



The Forestry Rules of Maine 2014

**A Practical Guide for Foresters, Loggers and
Woodlot Owners**

**Maine Department of Agriculture, Conservation & Forestry,
Maine Forest Service**

Helping Landowners Make Informed Decisions Since 1891

The Maine Forest Service

The Maine Forest Service was established in 1891 to ensure Maine's citizens the greatest economic and social benefits from the trees and forestlands of the state.

The primary responsibilities of the Maine Forest Service include:

To develop through information, education and formal publications a greater public awareness and appreciation of forests as Maine's basic economy and renewable resource;

To provide advice and assistance in forest management to woodland owners;

To maintain and improve the scenic beauty, wildlife habitat and recreational values of Maine;

To encourage and promote appropriate forestland management practices;

To protect Maine's forests from fire, insects, diseases, and other natural enemies; and

To enforce Maine's forestry laws and rules.



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Cover Photo: Region II Forestry Class Harvesting in Merrill. Maine Forest Service.

A Message from the State Forester

The Maine Forest Service (MFS) enjoys a long history of protecting Maine's forests from insect and disease outbreaks, wildfires and poor forest practices, as well as providing timely information to help foster informed decisions. These various MFS activities focus on ensuring that Maine's forests are more enjoyable, productive, healthy and well managed.

One of our many responsibilities involves the administration of Maine's forestry laws and rules. These laws and rules are complex and, at times, confusing. As you can see in our regulatory philosophy set forth below, we focus our efforts on ensuring that the forestry community knows and understands these laws and rules so that they can comply with them.

Our measure of success is the very small number of timber harvests each year where we discover a violation that requires enforcement action. Maine's forestry community should be proud of its achievements in protecting Maine's forest resources – timber, wildlife habitat, water quality, and more.

We hope that you find this book useful and we welcome your suggestions for improvement.

Doug Denico

Doug Denico, Director

The Maine Forest Service Regulatory Philosophy

The Maine Forest Service's regulatory philosophy is three-tiered:

1. To prevent violations from happening in the first place through education and outreach;
2. To intervene with potential problems and help people comply; and
3. To take enforcement action **as a last resort**.

Acknowledgements

The Forestry Rules of Maine is the product of a collaborative effort between the Maine Forest Service and our partners in the forestry community. The input and direction provided by the outside review team was critical to the success of this project.

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Maine Forest Service Professional Forester Back Cover

Field Team Map

Introduction

Maine's forestry regulations are complex, and compliance with these laws and rules is important to avoid violations and to protect Maine's natural resources.

This guide provides descriptions for most of the forestry regulations in Maine. The user-friendly format is intended to help foresters, loggers and landowners navigate the regulations that pertain to timber harvesting in Maine.

The book is divided into eight sections by topic. Sections I through VII contain the state laws and rules most pertinent to timber harvesting. Section VIII is devoted to suggestions that can improve the success of foresters, loggers and landowners when harvesting timber. The book also contains a list of state agencies (pages 6-8) that can provide assistance with Maine's forestry laws and rules. Further, a harvest planning checklist can be found on page 9. This list can be used by foresters, loggers and landowners to help prepare for a timber harvest.

If you require additional assistance with any of Maine's forestry laws or rules, please **call** the Maine Forest Service at (207) 287-2791 or Instate Toll Free (800) 367-0223 **before you cut**.

Disclaimer

This book does NOT contain full and complete versions of any law or rule. For complete laws and rules, follow the internet links provided or contact the appropriate state agency.

Complete versions of all the laws listed can also be obtained by using the Statute Search function at

www.mainelegislature.org/legis/statutes/search.htm and

entering the law title and section provided in this book. In

addition, interpretations for many Maine Forest Service rules are located at www.maineforestservice.gov.

State Agencies That Can Help

With the Rules in This Book

Maine Forest Service

Forest Policy and Management Division

Laws and Rules Enforced

- Statewide Standards for Timber Harvesting and Related Activities in Shoreland Areas (SWS)
- Standards for Placing Wood into Stream Channels to Enhance Cold Water Fisheries Habitat (“Chop and Drop”)
- Standards for Timber Harvesting and Timber Harvesting Related Activities within Unorganized and Deorganized Areas of the State (Chapter 27)
- Forest Operations Notifications (FONs)
- Forest Practices Act (FPA)
- Liquidation Harvesting (LQH)

Contact

Phone: (207) 287-2791

Email: forestinfo@maine.gov

Website: www.maineforestservice.gov

See District Forester Map on the Back Cover

Forest Protection Division

Laws and Rules Enforced

- Slash Laws
- Boundary Lines
- Timber Theft and Trespass
- Spark Arresters
- Christmas Trees and Evergreen Boughs
- Discontinuance of Forest Roads
- Payment for Trees Harvested
- Trip Tickets

Contact

Main Phone: (207) 287-4990

Northern Region Office: (207) 435-7963

Central Region Office: (207) 827-1800

Southern Region Office: (207) 624-3700

Email: maine.forestrangers@maine.gov

Website: www.maineforestservice.gov

See Ranger District Map in Appendix F

Forest Health and Monitoring Division

Laws and Rules Enforced

- Forestry Related Quarantines

Contact

Phone: (207) 287-2431

Email: forestinfo@maine.gov

Website: www.maineforestservice.gov

Department of Environmental Protection

Laws and Rules Enforced

- Mandatory Shoreland Zoning
- Natural Resources Protection Act (NRPA)
- Storm Water Management

Contact

Main Phone: (207) 287-2111

Northern Regional Office: (207) 764-0477

Eastern Regional Office: (207) 941-4570

Southern Regional Office: (207) 822-6300

Website: www.maine.gov/dep

Inland Fisheries and Wildlife

Laws and Rules Enforced

- Threatened and Endangered Species
- Deer Wintering Areas (Chapter 27)
- Nuisance Animal Control

Contact

Phone: (207) 287-8000

Website: www.maine.gov/ifw

Land Use Planning Commission

Laws and Rules Enforced

- Land Use Districts and Standards (Chapter 10)

Contact

Main Phone: (207) 287-2631

Ashland Regional Office: (207) 435-7963

E. Millinocket Regional Office: (207) 746-2244

Greenville Regional Office: (207) 695-2466

Downeast Regional Office: (207) 941-4052

Rangeley Regional Office: (207) 670-7493

Website: www.maine.gov/dacf/lupc/index.shtml

Maine Revenue Services, Property Tax Division

Laws and Rules Enforced

- Tree Growth Tax Law (TGTL)

Contact

Phone: (207) 624-5600

Website: www.maine.gov/revenue

Maine Workers' Compensation Board

Laws and Rules Enforced

- Workers' Compensation

Contact

Phone: (207) 287-3751

Website: www.maine.gov/wcb

Harvest Planning Checklist

The checklist below is provided to help landowners, loggers and foresters in Maine navigate the state laws and rules that pertain to timber harvesting. This checklist does not cover local ordinances or federal regulations, and should be used as a guide only. Always check with the code enforcement officer in organized towns prior to beginning harvest operations to ensure compliance with all local ordinances.

1. Are the boundary lines of the parcel accurately marked prior to harvest? If No, see page 54.
2. Has a Forest Operations Notification (a.k.a. Intent to Harvest form) been completed and mailed to the Maine Department of Agriculture, Conservation and Forestry prior to harvest? If No, see page 39.
3. Will harvesting be within 250 feet of any water body?
If Yes and in an organized town, see pages 11 and 20. If Yes and in an unorganized town, see page 28.
4. Will a permanent water crossing be needed to access the harvest area? If Yes and in an organized town, see pages 11 and 26. If Yes and in an unorganized town, see page 28.
5. Is the property enrolled in the Tree Growth Tax program? If Yes, see page 94.
6. Does the landowner own less than 100 acres in the state of Maine? If Yes, skip 7 and 8 below.
7. Has the landowner owned this property for less than five years? If Yes, see page 46.
8. Will the harvest contain any clearcuts? If Yes, see page 42.
9. Are there any state listed threatened or endangered species or critical habitats in the proposed harvest area? If Yes, see page 89.

Section I. Water Quality

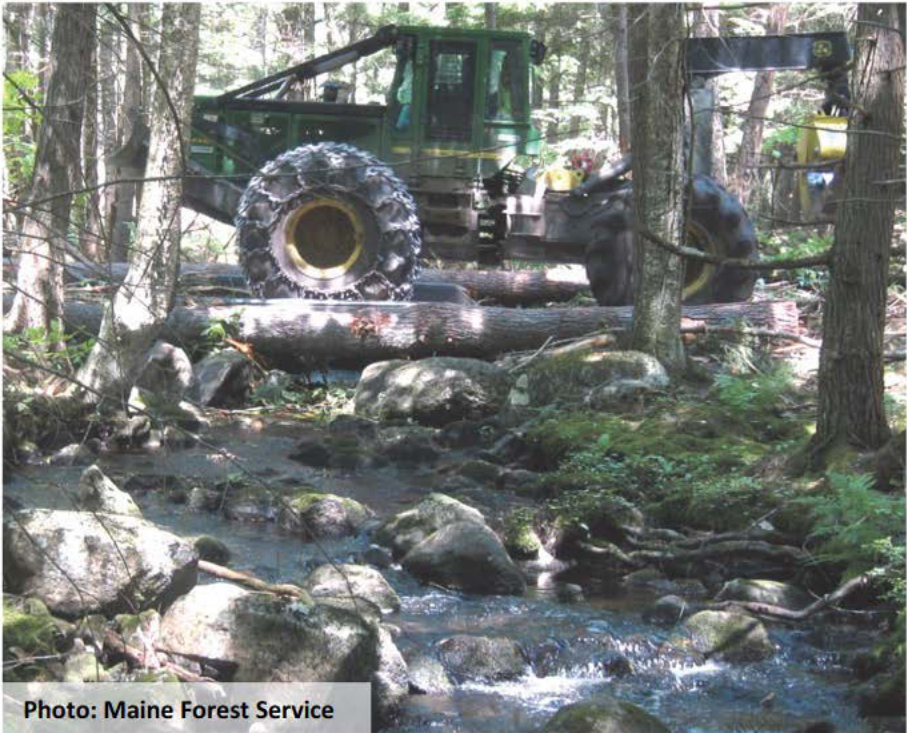


Photo: Maine Forest Service

Recent Changes to Maine's Water Quality Regulations

The regulations that pertain to water quality vary by town. One of the following regulations will apply when you work near water bodies: the Mandatory Shoreland Zoning Act (MSZA), Statewide Standards for Timber Harvesting and Related Activities in Shoreland Areas (SWS), or Maine Forest Service Rule Chapter 27. While Chapter 27 applies in unorganized and deorganized areas of the state, the MSZA and SWS apply in organized towns. Some towns have adopted SWS and the remaining towns have kept the MSZA. Check with your town or use the "town list" web link on page 11 to determine which rules apply.

Statewide Standards for Timber Harvesting and Related Activities in Shoreland Areas (SWS)

Introduction

This rule regulates timber harvesting and related activities near and adjacent to water bodies in many organized towns. The enforcement of this rule is done by the Maine Forest Service (MFS), often in cooperation with the individual towns.



Proper Name of the Rule

Maine Forest Service – Chapter 21

Statewide Standards for Timber Harvesting and Related Activities in Shoreland Areas

Where Does This Rule Apply?

Many of the organized towns in Maine have adopted these rules. The current list of towns can be found at

www.maine.gov/dacf/mfs/policy_management/water_resources/sws/sws.html

When Does This Rule Apply?

When harvesting timber near streams, lakes, ponds or wetlands, or when building logging roads near or across streams, lakes, ponds, or wetlands. *These rules do not apply to clearing land for development.*

What Agency Can Provide Assistance With This Rule?

Contact the Maine Forest Service at www.maineforestservice.gov, forestinfo@maine.gov or (207) 287-2791.

Where is the Complete Rule Located?

www.maine.gov/dacf/mfs/policy_management/water_resources/sws/sws.html

Brief Overview

A. Key definitions:

1. Stream Channel: Has defined banks, a lack of terrestrial vegetation or a bed, and is connected to other water bodies.
2. Great Pond: Any natural inland body of water greater than 10 acres and any man-made body of water greater than 30 acres.

B. SWS for timber harvesting apply to the following areas:

1. Adjacent to all streams, and most ponds and wetlands, **shoreline integrity must be protected.**
2. Within 75 feet of streams that drain between 300 acres and 25 square miles (see Figures 1 and 2).
3. Within 250 feet of many lakes, ponds, rivers, streams, and non-forested wetlands as well as all tidal waters (see Figures 1 and 2).

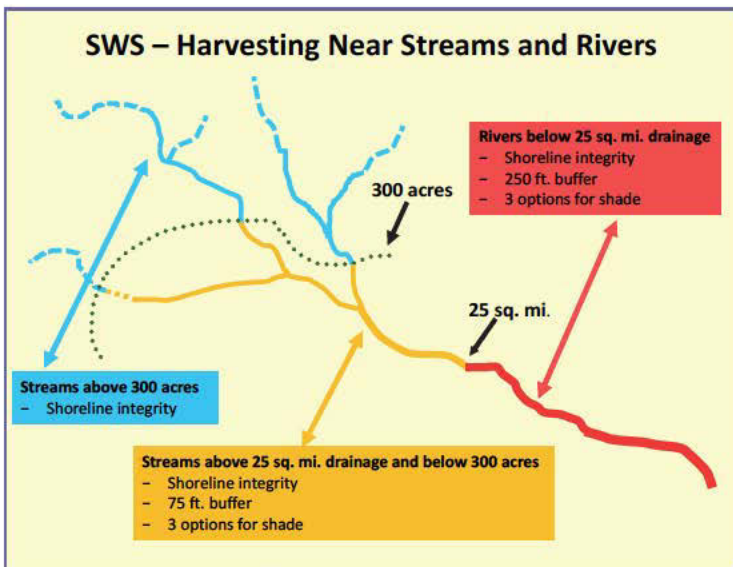


Figure 1: Harvesting rule summary by drainage area for towns that have adopted Statewide Standards.

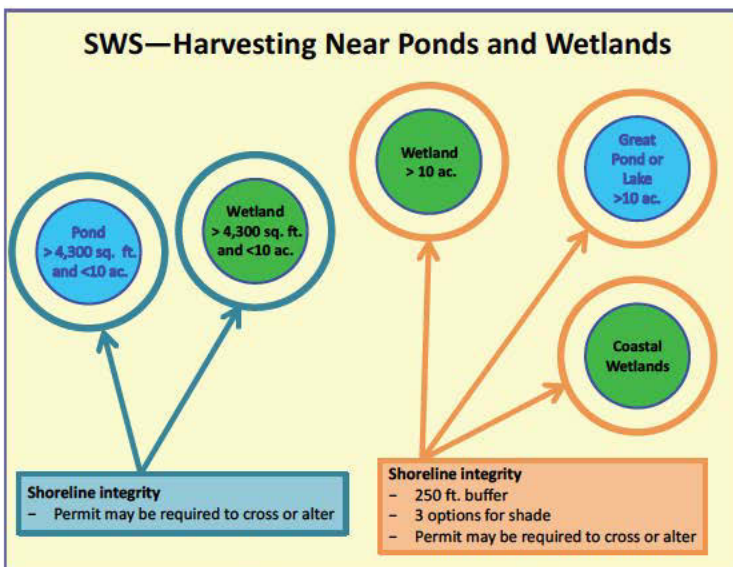


Figure 2: Harvesting rule summary for ponds and wetlands for towns that have adopted Statewide Standards.

Diagrams are for informational purposes only. In case of discrepancy the written rule shall govern.

C. Restrictions on timber harvesting and related activities in the shoreland zone:

1. In areas with 75 foot buffer zones:
 - a. “40% Option”: Harvesting no more than 40% of the total volume of trees 4.5 inches DBH or greater in any 10 year period; **or**
 - b. “BA Option”: The residual stand must contain an average basal area of at least 60 square feet per acre of woody vegetation, 40 square feet per acre must be greater than or equal to 4.5 inches DBH; **or**
 - c. “Outcome Based Option”: An alternative method, signed by a licensed forester or certified wildlife biologist may be proposed to the Maine Forest Service.
 - d. A well-distributed and windfirm stand of trees must be maintained.
 - e. There must be no cleaned openings.
2. In areas with 250 foot buffer zones:
 - a. The “40% Option”; **or**
 - b. The “BA Option”; **or**
 - c. The “Outcome Based Option.”
 - d. A well-distributed and windfirm stand of trees must be maintained.
 - e. No cleared openings within 75 feet of the normal high water mark. At distances greater than 75 feet, the maximum opening size is 14,000 square feet. Openings greater than 10,000 square feet must be at least 100 feet apart.

3. Slash must not be left within 50 feet of the normal high water line of most ponds, streams, wetlands, and all tidal waters.

D. Road building in the shoreland zone: Roads require minimum setbacks that increase with slope.

1. 25 feet from the normal high water line of streams draining less than 300 acres and ponds or non-forested wetlands between 1/10 acre and 10 acres.
2. 50 feet from the normal high water line of streams draining between 300 acres and 25 square miles.
3. 100 feet from the normal high water line of a great pond, rivers draining more than 25 square miles, non-forested freshwater wetlands 10 acres or larger, any tidal water, and any pond or freshwater wetland identified by Maine Inland Fisheries & Wildlife as significant or essential wildlife habitat.

E. Water crossings:

1. All water crossings:
 - a. Natural stream flow and fish passage must be maintained.
 - b. Temporary crossing structures must be removed when the harvest is complete and exposed soil must be stabilized.
 - c. Temporary bridges and culverts may be smaller than required under E.2.c. and E.3.b. if the natural course of water flow is maintained and sedimentation is avoided.
 - d. Streams must not be used as travel routes unless frozen and undisturbed.

2. Skid trail crossings:
 - a. Sedimentation of surface waters must be avoided.
 - b. Bridges and culverts must be used where rivers and streams drain more than 25 square miles.
 - c. Bridges and culverts must be sized to have a capacity of 2.5 times the cross sectional area of the stream (see tables in Appendix D).
3. Land management road crossings:
 - a. Sedimentation of surface waters must be avoided.
 - b. Permanent crossings must be sized to have a capacity of 2.5 times the cross sectional area of the stream if maintained and 3.5 times the cross sectional area if not maintained (see tables in Appendix D).
 - c. The crossing of freshwater wetlands must be avoided.
4. Permanent water crossings require a permit. Contact the Maine Forest Service for direction on the application process.

F. Drainage point maps for individual towns are located at:

www.maine.gov/dacf/mfs/policy_management/water_resources/sws/sws_maps.html

Standards for Placing Wood into Stream Channels to Enhance Cold Water Fisheries Habitat (“Chop and Drop”)

Introduction

This rule streamlines the process for implementing cold water fisheries enhancement projects that involve adding wood to stream channels. It applies to treatments where wood will be placed below the bankfull elevation and that rely on the size of the wood for stability.



Photo: Maine Forest Service

Proper Name of the Rule

Maine Forest Service – Chapter 25

Standards for Placing Wood into Stream Channels to Enhance Cold Water Fisheries Habitat

Where Does This Rule Apply?

Statewide in designated reaches.

When Does This Rule Apply?

When implementing cold water fisheries habitat enhancement projects that involve the placement of wood into streams.

What Agency Can Provide Assistance With This Rule?

Contact the Maine Forest Service at www.maineforestservice.gov, forestinfo@maine.gov or (207) 287-2791.

Where is the Complete Rule Located?

www.maine.gov/dacf/mfs/publications/rules_and_regs/chap_25_rules.pdf

Brief Overview

- A. This rule applies to treatments where wood will be placed below the bankfull elevation of streams to enhance fisheries habitat. These treatments rely on the size of wood for stability. Wood may not be artificially anchored under this rule.
- B. Wood addition projects must be supervised by a licensed forester that has completed training in wood addition techniques approved by MFS or the Maine Department of Inland Fisheries and Wildlife (IF&W).
- C. Wood addition treatments done under this rule are only allowed in stream reaches designated by IF&W or the Maine Department of Marine Resources (DMR).
 - 1. Designated reaches must have a treatment plan prepared or approved by an IF&W or DMR biologist.
 - 2. The MFS will maintain a list of designated reaches.
- D. Wood placement standards include the following:
 - 1. Species, diameter and length requirements for **key pieces**.
 - 2. Maximum wood loading rates.
 - 3. Wood orientation and placement guidance.

- E. Wood addition treatments must include measures to avoid sedimentation and bank disturbance, and must protect downstream infrastructure.
- F. **Forest Operations Notifications (FONs):** Refer to the Chapter 26 rule for the FON requirements that pertain to this rule.

Maine Department of Environmental Protection (DEP) Mandatory Shoreland Zoning Act

Introduction

This law regulates timber harvesting and related activities near and adjacent to water bodies in many organized towns. The enforcement of this law is done by the individual towns and DEP.

Proper Name of the Law

Title 38 Sections 435 to 449. Mandatory Shoreland Zoning Act

Where Does This Law Apply?

In organized towns that have **not** adopted the Statewide Standards for Timber Harvesting and Related Activities in Shoreland Areas (SWS).

When Does This Law Apply?

When undertaking any activity on or adjacent to rivers, streams, lakes, ponds and wetlands.

What Agency Can Provide Assistance With This Law?

Contact the Maine Department of Environmental Protection at www.maine.gov/dep or (207) 287-2111.

Where is the Complete Law Located?

www.maine.gov/dep/land/slz/#state

Brief Overview

- A. The Mandatory Shoreland Zoning Act and the Department of Environmental Protection Rule - Chapter 1000 sets the minimum standards for regulating timber harvesting and related activities in the shoreland zone in many organized towns. This law and rule is included in the municipal zoning ordinance of towns that have not adopted SWS. Because municipalities can adopt more restrictive standards than those set in this law and rule, **shoreland zoning requirements are not the same in every town.**

B. Key definitions for Shoreland Zoning and the Natural Resources Protection Act:

1. Protected Natural Resource: Coastal sand dunes, coastal wetlands, fragile mountain areas, freshwater wetlands, great ponds, rivers, streams, brooks, significant wildlife habitat, and public water systems.
2. Coastal Sand Dune Systems: Sand and gravel deposits within a marine beach system including, but not limited to, beach berms, frontal dunes, dune ridges, back dunes, and other sand areas deposited by wave or wind action.
3. Coastal Wetland: All tidal and subtidal lands; all areas with vegetation present that is tolerant of salt water and occurs primarily in a salt water or estuarine habitat; and any swamp, marsh, bog, beach, flat or other contiguous lowland that is subject to tidal action.
4. Fragile Mountain Area: Areas above 2,700 feet in elevation from mean sea level.
5. Great Pond: Any natural inland body of water greater than 10 acres and any man-made body of water greater than 30 acres.
6. River, Stream or Brook: A channel between defined banks that is created by the action of surface water. It has two or more of the following characteristics:
 - a. It is depicted as a solid or broken blue line on the most recent U.S. Geological Survey 7.5-minute or 15-minute series topographic map.
 - b. In most years, it contains flowing water continuously for a period of at least six months.
 - c. The channel bed is primarily composed of mineral material such as sand and gravel, parent material or bedrock that has been deposited or scoured by water.

- d. The channel contains aquatic animals such as fish, aquatic insects or mollusks.
 - e. The channel contains aquatic vegetation and is essentially devoid of upland vegetation.
 - f. “Rivers, streams or brooks” do not include drainage ditches or grass swales.
7. Significant Wildlife Habitat: The following resources as mapped by the Department of Inland Fisheries and Wildlife:
- a. Vernal pools.
 - b. Waterfowl and wading bird habitat, including nesting and feeding areas.
 - c. Shorebird nesting, feeding and staging areas.
 - d. Deer wintering areas and travel corridors.
 - e. Sea bird nesting islands.
 - f. Critical spawning areas for Atlantic salmon.

C. Areas typically regulated by Shoreland Zoning (see Figure 3):

- 1. Within 250 feet of the following:
 - a. Great ponds (natural ponds greater than 10 acres).
 - b. Rivers (below the 25 square mile drainage point).
 - c. Tidal waters and coastal wetlands.
 - d. Non-forested freshwater wetlands greater than 10 acres (these areas are often zoned as “Resource Protection,” “Limited Residential” or “General Development”).
- 2. Within 75 feet of streams below the outlet of a great pond, or below the juncture of two 1st order streams (these areas are typically designated as “Stream Protection”).

3. Key points:

- a. Towns may choose to zone additional areas.
- b. All towns must have a Shoreland Zoning map available to the public.
- c. Looking at the town Shoreland Zoning map is the only way to be certain of how a particular area is zoned.

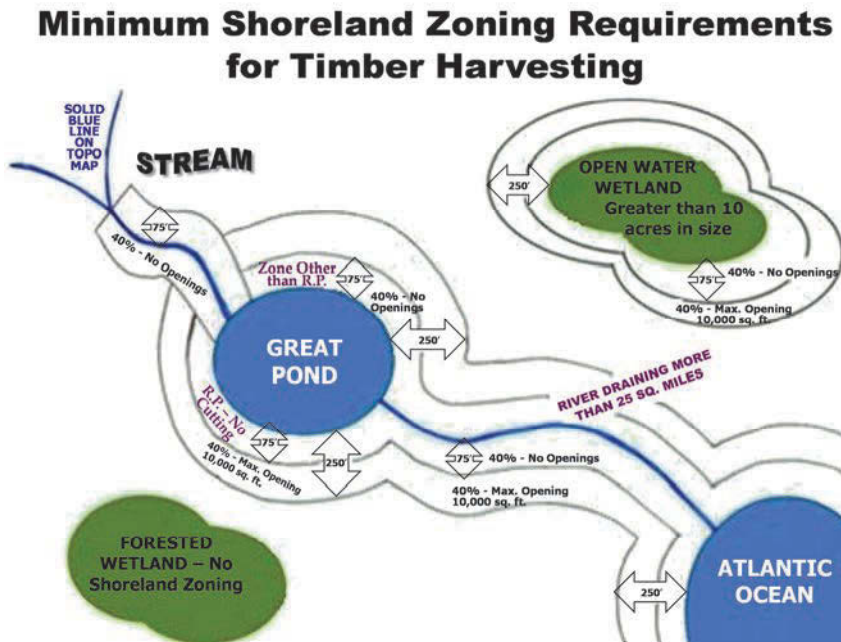


Figure 3: Shoreland zoning requirements including zone width. Diagram provided by DEP.

D. Restrictions on timber harvesting and related activities.

Timber harvesting is allowed in most shoreland areas, though there are several restrictions. **Timber harvesting does not include clearing land for development.** The following standards pertain only to timber harvesting and related activities:

1. For great ponds in areas zoned as Resource Protection, there is **no timber harvesting** within 75 feet of the water (except to remove safety hazards). Towns may adopt an ordinance that allows up to 30% of the volume of trees to be removed in any 10 year period, if marked by a professional forester and removed during frozen ground conditions. In such cases, a permit from the planning board is required.
2. In all shoreland areas, with the exception of Resource Protection areas identified in D.1. above, **no more than 40% of the volume** may be cut in any 10 year period. Town planning boards may issue permits to exceed 40% if it is necessary for sound forest management.
3. No **cleared openings** are allowed within 100 feet of a great pond or river flowing to a great pond, or within 75 feet of other affected water bodies and wetlands.
4. Beyond these distances noted in D.3. above, no openings may be greater than 10,000 square feet. Openings greater than 5,000 square feet must be at least 100 feet apart.
5. Slash must be removed from water bodies, and no accumulation of slash may be left within 50 feet of any water body under Shoreland Zoning. Slash in all shoreland areas must be lower than four feet above the ground.
6. Streams may not be used as travel routes (unless frozen and undisturbed).
7. Stream crossings of flowing water in any Shoreland Zone require a bridge or culvert, unless there is a hard stream bottom and firm banks that will not be disturbed.

8. Skid trail approaches to water crossings must not carry runoff directly to the water body.
9. Temporary crossing structures shall be removed within seven months of installation and areas of exposed soil shall be revegetated.
10. All equipment shall operate in a way that prevents the **exposure of mineral soil** within 75 feet (or more on sloping ground) of most water bodies.

E. Restrictions on road building in Shoreland Areas:

1. **Building roads requires a permit from the Planning Board.** No roads may be built in shoreland areas zoned as Resource Protection unless they access other permitted uses, or there is no reasonable alternative. Any permitted roads must be set back at least 100 feet from great ponds, and 75 feet from other water bodies and wetlands under shoreland zoning.
2. Permanent water crossings and water crossings for land management roads are regulated under the Natural Resources Protection Act (see pages 26 and 27).

Natural Resources Protection Act (NRPA)

Introduction

This law regulates activities in and adjacent to certain wetlands, water bodies, sand dunes, significant wildlife habitats, and fragile mountain areas. The enforcement authority for this law is generally DEP.

However, the MFS and the Land Use Planning Commission (LUPC) have a regulatory role in unorganized towns.

Proper Name of the Law

Title 38 Sections 480-A to 480-HH. The Natural Resources Protection Act

Where Does This Law Apply?

Statewide.

When Does This Law Apply?

When performing potentially earth disturbing activities in or adjacent to Protected Natural Resources (see page 21 for definition). Timber harvesting in areas adjacent to Protected Natural Resources is exempt from the provisions of the Act; however, several associated activities may be regulated. These include earth disturbing activities, placing fill and placing, repairing or altering any permanent structure.

What Agency Can Provide Assistance With This Law?

Contact the Maine Department of Environmental Protection at www.maine.gov/dep or (207) 287-2111.

Where is the Complete Law Located?

www.maine.gov/dep/land/nrpa/index.html

Brief Overview

A. NRPA rules apply to the following areas:

1. Within the boundaries of, and within a 75 foot buffer surrounding, Protected Natural Resources. Protected Natural Resources include coastal sand dunes, coastal wetlands, significant wildlife habitat, fragile mountain areas, freshwater wetlands, public water systems, great ponds, rivers, streams, and brooks.

B. Activities not requiring a permit:

1. Timber harvesting within the buffer of a Protected Natural Resource.
2. Placement of a temporary stream crossing (to be in place less than seven months) that does not require excavation or earthen fill.

C. Activities that may require a permit:

1. Any activity, including timber harvesting, within a Protected Natural Resource.
2. Installation or alteration of a permanent stream crossing.
3. Any earth disturbing activity within the buffer of a Protected Natural Resource.
4. For permits in organized towns, contact the local DEP office or the town code enforcement officer.
5. For permits in unorganized towns, contact MFS or LUPC.

Standards for Timber Harvesting and Timber Harvesting Related Activities within Unorganized and Deorganized Areas of the State

Introduction

The two rules that regulate timber harvesting in the unorganized and deorganized areas of the state are MFS Chapter 27 and LUPC Chapter 10. Prior to 2013, similar rules fell under the jurisdiction of LURC.



Photo: Maine Forest Service

Proper Name of the Rules

Maine Forest Service – Chapter 27

Standards for Timber Harvesting and Timber Harvesting Related Activities within Unorganized and Deorganized Areas of the State

Maine Land Use Planning Commission’s Rules and Standards – Chapter 10

Land Use Districts and Standards

Where Do These Rules Apply?

Unorganized and deorganized areas of the state.

When Do These Rules Apply?

When harvesting timber, building or upgrading land management roads, installing water crossings, or extracting gravel.

What Agency Can Provide Assistance with These Rules?

The agency that administers these rules depends on the land use subdistrict and the activity (see Figure 4).

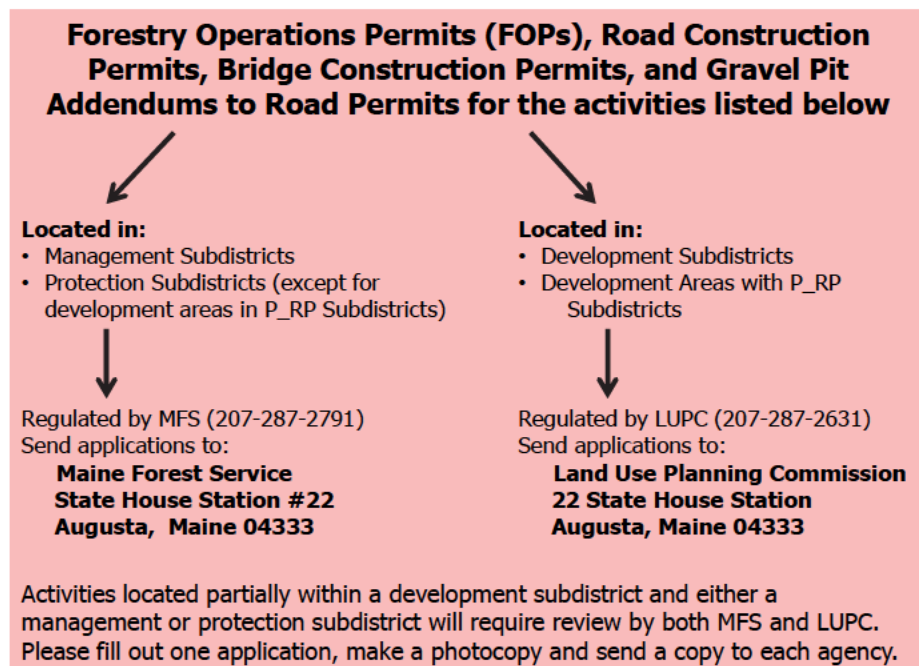


Figure 4: Agency contacts by subdistrict.

The Maine Forest Service regulates timber harvesting, land management roads, water crossings for land management roads, and gravel pits less than five acres in Management and Protection Subdistricts (except for Development areas in P-RP subdistricts). The standards can be found in MFS Rule Chapter 27.

The Land Use Planning Commission regulates timber harvesting, land management roads, water crossings for land management roads, and

gravel pits less than five acres in Development Subdistricts and Development areas within P-RP subdistricts. The LUPC also regulates gravel pits greater than five acres in all subdistricts. The standards can be found in LUPC Chapter 10.

Maps showing the location of subdistricts by township are located at: www.maine.gov/dacf/lupc/plans_maps_data/zoning_maps/index.shtml
See sample Land Use Guidance Map (Figure 5) on page 37.

Where are the Complete Rules Located?

MFS Chapter 27

www.maine.gov/dacf/mfs/publications/rules_and_regs/chap_27_rules.pdf

LUPC Chapter 10

www.maine.gov/dacf/lupc/laws_rules/ch10.html

Brief Overview

Timber Harvesting and Skid Trail Crossings

A. Permits:

1. A permit is required from MFS for timber harvesting in P-MA, P-SG, P-RT, and P-UA subdistricts. In many cases, a permit is required to harvest timber in P-RR subdistricts. Skid trail crossings of all flowing waters in P-RR and P-RT subdistricts also require a permit from MFS (see Table 1).
2. Operating in a P-FW requires consultation with IF&W and may require a permit from MFS. Refer to the complete Chapter 27 rules for more information.
3. Timber harvesting requires a permit from the LUPC in most Development Subdistricts. However, timber harvesting is not allowed in D-MT subdistricts.
4. Timber harvesting that does not require a permit may be subject to the standards (or requirements) set in Chapter 27 and Chapter 10.

Subdistrict	ACTIVITY		
	Harvesting and Skid Trail Crossings	Roads and Crossings	Gravel Pits < 5 acres
P-SL1	S27	M	P
P-SL2	S27	S27	P
P-GP	S27	M	M
P-WL	S27	P	S27
P-FW	F	F	M
P-RR	P	P	P
P-MA	M	M	N
P-FP	S27	M	M
P-RP	S27	S27	AP
P-RT	M	M	P
P-SG	M	M	M
P-AL	S27	M	M
P-AR	S27	M	M
P-UA	M	M	M
D-RS	L	L	N
D-RF	L	L	N
D-PD	L	P	AP
D-GN	L	L	N
D-PR	L	L	AP
D-CI	L	L	L
D-MT	N	N	N
M-GN	S27	S27	S27
M-HP	S27	S27	S27
M-NC	S27	S27	S27

Table 1: Permit requirements by subdistrict and activity

F=Consult with IF&W, M=MFS Permit, N=Not Allowed, P=Permit in Some Cases, S27=Standards Chapter 27, L=LUPC Permit, AP=Refer to Specific LUPC Approved Plan.

For gravel pits greater than five acres, contact LUPC. A list of the full subdistrict names can be found in Appendix B on page 120.

B. Requirements (or standards) that apply to timber harvesting in Protection Subdistricts (where a permit is not needed):

1. **Crossing a PSL-1:** Skid trail crossings require a bridge or culvert unless the surface is frozen.
2. **Timber harvesting in a P-SL1 or P-GP:**
 - a. No clearcutting within 50 feet of the high water mark.
 - b. From 50 feet to 250 feet, no single openings greater than 14,000 square feet. Openings greater than 10,000 square feet must be 100 or more feet apart.
 - c. Harvesting cannot remove more than 40% of the volume in any 10 year period of trees greater than 6 inches DBH.
 - d. No accumulation of slash is allowed within 50 feet of the normal high water mark. At distances greater than 50 feet, slash must be less than 4 feet in height.
3. **Crossing a P-SL2:** Skid trails must cross stream channels by the shortest possible route unless the channel is frozen or a bridge or culvert is used.
4. **Timber harvesting in a P-SL2** (with drainage areas greater than 300 acres): Sufficient vegetation must be retained to provide shade on the watercourse.
5. For all Protection Subdistricts:
 - a. Timber harvesting must avoid sedimentation of surface waters.
 - b. Unscarified filter strips are required between the high water mark and all areas of exposed soil.
 - c. No slash is allowed below the high water mark in most cases.

Road and Water Crossing Requirements

A. Permitting:

1. Land management roads and water crossings for roads require a permit from the MFS in the following subdistricts and zones:
 - a. P-SL1, P-GP, P-AL, P-AR, P-FP, P-MA, P-RT, P-SG and P-UA subdistricts.
 - b. FEMA zones A, AE, A1-30 and VE.
 - c. A permit from MFS may be required for road work in P-WL and P-RR subdistricts.
2. Land management roads require a permit from the LUPC in the following Development Subdistricts: D-CI, D-ES, D-GN, D-RS, D-PR and D-RF. Land management roads are not an allowed use in some Development Subdistricts.
3. Land management roads and water crossings that do not require a permit may be subject to the standards set in Chapter 27 and Chapter 10.

B. Standards that apply in P-WL, P-SL, P-FP and P-GP subdistricts and all Development Subdistricts:

1. Construction and maintenance of roads:
 - a. Areas of exposed mineral soil outside roadbed within 75 feet of water must be stabilized to prevent sedimentation.
 - b. Road banks must have a slope of 2:1.
 - c. Unscarified filter strips (see Appendix C – Table 2) must be used to prevent road surface drainage from directly entering into water bodies.
 - d. Drainage ditches for roads approaching water crossings must empty into unscarified filter strip.

2. Water crossings of unfrozen waters:
 - a. Bridges and culverts must be sized to 2.5 times the cross-sectional area of the stream channel (see Appendix D – Tables 3 and 5).
 - b. Culverts utilized in water crossings must:
 - 1) Be installed at or below stream bed elevation.
 - 2) Have soil compacted halfway up the sides.
 - 3) Be covered by a minimum of one foot of soil.
 - 4) Have an inlet headwall stabilized by riprap.
3. Land management roads through wetlands:
 - a. Avoid wetland crossings whenever possible.
 - b. Maintain existing hydrology of wetlands by:
 - 1) Installing adequate cross drainage.
 - 2) Using culverts or porous layers in road fill.
 - 3) Using free draining granular material when cross drainage structures are not used.
4. Road discontinuance requirements (for closing roads):
 - a. Install waterbars.
 - b. For water crossings:
 - 1) Size the crossing to 3.5 times the cross-sectional area of stream channel (see Appendix D – Tables 4 and 5); **or**
 - 2) Remove the structure to avoid sedimentation of the water body.

5. Trail crossings of minor flowing waters:
 - a. Trail crossings of minor flowing waters are exempt from the water crossing standards described above provided they:
 - 1) Reasonably avoid sedimentation.
 - 2) Cause no disturbance to the stream bed.
 - 3) Cause no substantial disturbance to the banks.
 - 4) Do not impede the flow of water or the passage of fish.
 - b. Trail crossings that are not exempted are subject to water crossing standards for roads.

Gravel Extraction Less than Five Acres in Size

A. Permits and general restrictions:

1. Permits are required from MFS for gravel pits in the following:
 - a. P-AL, P-AR, P-FP, P-FW, P-GP, P-SG and P-UA subdistricts.
 - b. In some cases, P-RR and P-RT subdistricts.
 - c. Gravel pits are not permitted in Protection Subdistricts not listed above.
 - d. Gravel pits between two acres and five acres in size in P-SL subdistricts require a permit from the MFS.
 - e. FEMA zones A, AE, A1-30 and VE.
2. Unless otherwise indicated, gravel pits may not exceed five acres in size.
3. Gravel pits must not exceed one acre in size in P-FW and P-WL subdistricts.

4. Refer to the LUPC Chapter 10 Rules for gravel extraction in development subdistricts.

B. Standards for gravel extraction in all subdistricts:

1. The following vegetative buffer strip widths are required between the disturbed area and the specified water resource:
 - a. 75 feet of the normal high water line of any body of standing water less than 10 acres in size, any flowing water draining less than 50 square miles, tidal water, or wetlands identified as a P-WL1 subdistrict.
 - b. 100 feet of the normal high water line of any body of standing water 10 acres or greater in size or flowing water draining 50 square miles or more.
2. Disturbed soil must be greater than 250 feet from any public roadway, or from any property line without written agreement of the owner.
3. Within 250 feet of any water body, the extraction area must be protected from soil erosion.
4. A natural vegetative screen at least 50 feet wide must be retained at any facility intended primarily for public use.
5. Within 250 feet of a property line, public road, or public facility, discontinued gravel pits must be graded to a 2:1 slope or flatter.

C. In addition to the previous requirements, gravel extraction in P-AL, P-RR and P-RT subdistricts established to protect flowing waters must:

1. Not be visible from the water.
2. Avoid use of these subdistricts whenever possible.
3. Not exceed two acres in size in P-RR and P-RT subdistricts.

- D. **For gravel extraction for road purposes in P-FW subdistricts**, the landowner or designated agent must confer with an IF&W biologist to develop a plan for the proposed activity.

Gravel Extraction Greater than Five Acres in Size

Refer to the LUPC Chapter 10 rules to determine which Management and Protection Subdistricts allow gravel pits greater than 5 acres in size, and whether the use is allowed by standards or requires a permit.

Variances in Protection and Management Subdistricts

For proposed activities that do not meet the standards or permit requirements, the landowner or landowner's agent can apply to MFS for a variance.

**Sample Land Use Guidance Map
Portion of T11R11 WELS**

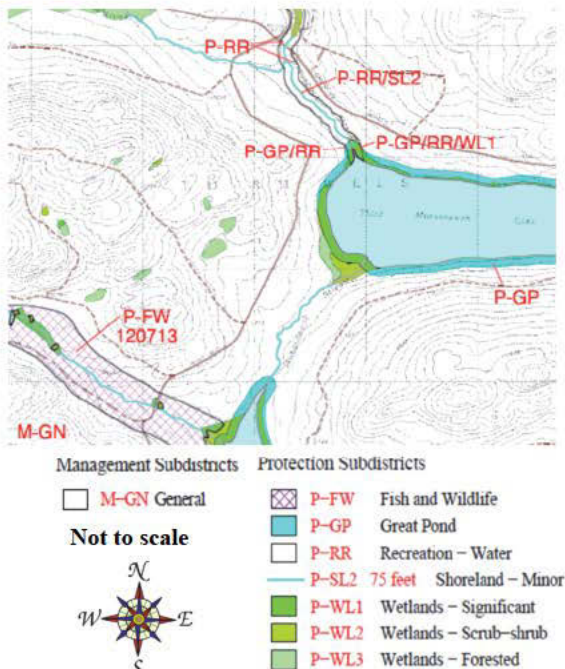


Figure 5. Sample Land Use Guidance Map.

Section II. Harvest Notifications, Clearcutting, and Liquidation Harvesting Rules



Forest Operations Notifications (FONs)

Introduction

This rule establishes the procedures for notifying the Department of Agriculture, Conservation and Forestry of proposed timber harvesting activities.



Proper Name of the Rule

Maine Forest Service – Chapter 26
Forest Operations Notification Standards

Where Does This Rule Apply?

Statewide.

When Does This Rule Apply?

Unless specifically exempted, this rule applies to all timber harvests.

What Agency Can Provide Assistance With This Rule?

Contact the Maine Forest Service at www.maineforestservice.gov, forestinfo@maine.gov or (207) 287-2791.

Where is the Complete Rule Located?

<http://www.maine.gov/sos/cec/rules/01/669/669c026.docx>

Brief Overview

A. Notification form and process:

1. Prior to conducting a timber harvest, the landowner or designated agent must submit a Forest Operations Notification (FON) to MFS.
2. All parties named must sign the FON.
3. See the complete rule for the exemption pertaining to landowners that employ licensed foresters.

B. Notification requirements for Category 3 clearcuts (greater than 75 acres): :

1. The FON must be sent to MFS 60 days prior to commencing the timber harvest.
2. A harvest plan (as specified in the Chapter 20 Rule) must be submitted with the FON.
3. A meeting on site, between the MFS and the landowner, is required within the 60 day "waiting period".
4. The MFS must approve or disapprove the FON and harvest plan with 10 days of the site visit.

C. Notification requirements for landowners participating in Chapter 25 (“Chop and Drop”):

1. Prior to implementing a wood addition project, a licensed forester must submit a FON to MFS. The FON must include the following additional information:
 - a. A map of the treatment area.
 - b. A copy of the treatment plan prepared by IF&W or DMR. Treatment plans for streams in Atlantic salmon areas require a signature from DMR.

D. FON requirements for individuals certified in erosion control practices by DEP:

Refer to the Chapter 26 information on page 107 in the Change of Use Section.

E. Exemptions from the FON requirement:

1. Removal of single trees or small groups of trees from residential yards.
2. Hazard tree removal, right of way and driveway clearance, and lot clearance for home construction on areas less than two acres.
3. Timber harvests where the forest products are for personal use by the landowner.
4. Timber harvests less than 2 acres completed within a 12 month period and performed by the landowner.

F. Landowner/agent requirements after submitting a FON:

1. FON numbers must be posted at or near the principal yard or landing, or at the boundary line for parcels accessed by private roads.
2. FON numbers must remain posted until the harvest is complete.

Forest Practices Act (FPA)

Introduction

This rule regulates the size, arrangement, regeneration and management of clearcuts.



Photo: Maine Forest Service

Proper Name of the Rule

Maine Forest Service – Chapter 20

Forest Regeneration & Clearcutting Standards – Forest Practices Act

Where Does This Rule Apply?

Statewide.

When Does This Rule Apply?

When timber is harvested and sold.

What Agency Can Provide Assistance With This Rule?

Contact the Maine Forest Service at www.maineforestservice.gov, forestinfo@maine.gov or (207) 287-2791.

Where is the Complete Rule Located?

www.maine.gov/sos/cec/rules/04/058/058c020.doc

Brief Overview

A. Key definitions:

1. **Acceptable Growing Stock:** Live trees with the potential to produce commercial forest products, and that meet the following criteria:
 - a. Trees must have survived two or more growing seasons.
 - b. Trees do not lean more than 30 degrees from vertical.
 - c. Trees do not have a broken, dead or missing main stem.
 - d. Trees greater than 8 inches DBH do not have damage greater than 50% of stem circumference.
 - e. Trees less than 8 inches DBH do not have damage greater than 33% of stem circumference.
 - f. Trees do not have greater than 1/3 visible damage to root spread.
2. **Commercially Valuable Species:** Any tree species with the exception of grey birch, flowering dogwood, willow, pin cherry, striped maple, and mountain maple.
3. **Clearcut:** A harvest area that is greater than 5 acres and has a residual basal area of less than 30 square feet per acre.
4. **Overstory Removal:** A harvest that is not a clearcut but removes the overstory trees and is stocked with advanced regeneration. It must contain at least 450 trees per acre of softwoods that are at least 3 feet tall and/or hardwoods that are at least 5 feet tall. The residual trees must be well distributed.
5. **Separation Zone:** The area that surrounds and separates clearcuts. The separation zone must be forestland. It may

contain forested wetland and logging trails, but not non-forested areas or roads.

B. Forest Operations Notifications (FONs): Refer to the Chapter 26 section for the FON requirements that pertain to this rule.

C. Clearcutting standards:

1. There are three category sizes for clearcuts: Category 1 = 5-20 acres, Category 2 = 21-75 acres, and Category 3 = 76-250 acres.
2. The maximum size allowed for a clearcut is 250 acres.
3. Separation zone (buffer) requirements for clearcuts:
 - a. Category 1 (5-20 acre) clearcuts must be separated from other clearcuts by a 250 foot wide strip of non-clearcut forestland. The separation zone must meet one of the following requirements:
 - 1) It must contain at least 30 square feet of basal area of trees greater than 4.5 inches DBH. The residual trees must be well distributed.
 - 2) It must contain at least 450 trees per acre of softwoods that are at least 3 feet tall and/or hardwoods that are at least 5 feet tall. The residual trees must be well distributed.
 - b. Category 2 (21-75 acre) and Category 3 (76-250 acre) clearcuts must be surrounded by a separation zone that is at least 250 feet wide and equal in size to the area of the clearcut. The separation zone must meet one of the following requirements:
 - 1) It must contain at least 60 square feet of basal area of trees greater than 1.0 inch DBH. At least 40 square feet of basal area must be greater than 4.5 inches DBH. The residual trees must be well distributed.

- 2) It must contain at least 300 trees per acre of softwoods that are at least 10 feet tall and/or hardwoods that are at least 20 feet tall. The residual trees must be well distributed.
4. Separation zones must be maintained until one of the following conditions is met:
 - a. The clearcut is regenerated with at least 300 trees per acre of softwoods that are at least 10 feet tall and/or hardwoods that are at least 20 feet tall.
 - b. 10 years has elapsed since the clearcut was completed.
5. Category 2 (21-75 acre) and Category 3 (76-250 acre) clearcuts require a harvest plan prepared by a licensed professional forester prior to harvesting. See the complete Chapter 20 rules for the harvest plan requirements.
6. The additional notification (FON) requirements for Category 3 (76-250 acre) clearcuts can be found in the Chapter 26 rules.

D. Exemptions to clearcutting standards:

1. Landowners who own 100 acres or less (all land types) statewide.
2. Land that will be changed from forestry to non-forestry use. The change of use must be completed within two years.

E. Regeneration of clearcuts: All clearcuts must be regenerated within 5 years after the harvest is completed to 450 stems per acre of acceptable growing stock. There are no exemptions to the regeneration requirements.

F. A landowner can petition the MFS for a variance to harvest in a manner inconsistent with these rules. The burden of proof is on the landowner to demonstrate that the harvest cannot comply due to specific conditions and that the public interest is otherwise served.

Liquidation Harvesting (LQH)

Introduction

This rule establishes standards for timber harvesting on lands that are sold or offered for sale within five years of the date of purchase of the parcel. It also specifies exemptions from these rules.



Photo: Maine Forest Service

Proper Name of the Rule

Maine Forest Service – Chapter 23

Timber Harvesting Standards to Substantially Eliminate Liquidation Harvesting

Where Does This Rule Apply?

Statewide.

When Does This Rule Apply?

When woodlots are purchased and harvested, and sold or offered for sale within five years of acquisition.

What Agency Can Provide Assistance With This Rule?

Contact the Maine Forest Service at www.maineforestservice.gov, forestinfo@maine.gov or (207) 287-2791.

Where is the Complete Rule Located?

www.maine.gov/sos/cec/rules/04/058/058c023.doc

Brief Overview

A. Key definitions:

1. Liquidation Harvesting: The purchase of timberland followed by a harvest that removes most or all of the commercially valuable forest products with no regard for long-term forest management; followed by the sale or attempted sale of the property within five years of its acquisition.
2. Timberland (or Forestland): Land primarily covered with trees, and where timber harvesting is not precluded by law.

B. The effective date of this rule is January 2, 2005.

C. Exemptions from the rule:

1. The property was purchased before the rule went into effect or has been owned for more than five years.
2. The land being sold has received independent third party certification.
3. The land is being managed by a Certified Resource Manager who is following the requirements of the certification program.
4. The area is being harvested by a Certified Master Logger and is 1,000 acres or less.
5. The landowner owns 100 acres or less of forestland statewide.

6. Before the harvest starts, the landowner has received all the required permits to convert the land to a non-forest use. These permits must be submitted with the Forest Operations Notification. **There are additional limitations to this exemption. Refer to the complete rule.**
 7. The parcel being harvested has less than 20 acres of forestland.
 8. The parcel is a bona fide gift or inherited from a family member.
 9. The parcel or any portion of the parcel is taken by eminent domain.
 10. The parcel is partitioned as a result of breaking up a common and undivided ownership.
 11. The parcel or a portion of the parcel is sold for bona fide roads or rights of way.
 12. The wood is harvested for personal use by the landowner.
- D. **Compliance options:** If one of the twelve exemptions does not apply, there are four options for compliance:
1. **Option 1:** Less than 50% of the volume of trees greater than 4.5 inches DBH are harvested. The harvest must not remove only the most valuable trees (high grading) and existing regeneration must be protected.
 2. **Option 2:** The harvest is 100 acres or less, and the landowner employs a licensed forester or uses a logging contractor, either of whom has been trained and accredited by the Maine Forest Service.

3. **Option 3:** A harvest plan that demonstrates the silvicultural need must be prepared prior to harvesting. The plan requires very specific information, a justification for the proposed harvest, and must be kept on file by the landowner for seven years. See the complete rule for the plan requirements.
 4. **Option 4:** The landowner demonstrates that unforeseen economic circumstances arose after the harvest and the property must be sold within five years of purchase. Written authorization is required from the Maine Forest Service and this option can only be used for one parcel in any five year period.
- E. **All parties involved with a liquidation harvest can be held responsible for violating the rule.** This may include the forester, logger, landowner, and designated agent.

Section III. Forest Protection, Access and Boundary Lines



Photo: Maine Forest Service

Slash Laws

Introduction

The following laws pertain to the proper disposal of slash and the required “set back” in designated areas.



Photo: Maine Forest Service

Proper Name of the Law

Title 12 Sections 9331 to 9335. Disposal of Slash

Where Does This Law Apply?

Statewide.

When Does This Law Apply?

When conducting forest management activities or road construction and maintenance.

What Agency Can Provide Assistance With This Law?

Contact the Maine Forest Service at www.maineforestservice.gov, forestinfo@maine.gov or (207) 287-4990.

Brief Overview

A. Slash definition (Section 9331):

1. Slash is defined as branches, bark, tops, chunks, cull logs, uprooted stumps, broken or uprooted trees and shrubs left on the ground as a result of logging, land clearance or right of way construction/maintenance.
2. The complete law is located at:
www.mainelegislature.org/legis/statutes/12/title12sec9331.html

B. Disposal along highways or public roads (Section 9332):

1. Slash with a diameter of less than 3 inches is not permitted within 50 feet of the nearest shoulder of a public road. Slash greater than 3 inches in diameter must be removed or limbed and placed on the ground surface so that the pieces are not piled one piece over another.
2. The complete law is located at:
www.mainelegislature.org/legis/statutes/12/title12sec9332.html

C. Disposal along railroads and power lines (Section 9333):

1. Slash may not remain on the ground within the right of way or **within 25 feet** of the nearest side of any railroad or electric, telephone or cable line.
2. The complete law is located at:
www.mainelegislature.org/legis/statutes/12/title12sec9333.html

D. Disposal near property lines (Section 9334):

1. Slash resulting from the cutting of forest growth is not permitted **within 25 feet** of a property line. This applies when the slash is determined to be a fire hazard.
2. The complete law is located at:
www.mainelegislature.org/legis/statutes/12/title12sec9334.html

E. Disposal near dwellings (Section 9335):

1. All slash must be removed **within 100 feet** of any building or trailer used for human occupancy. This applies when the slash is determined to be a fire hazard.
2. The complete law is located at:
www.mainelegislature.org/legis/statutes/12/title12sec9335.html

Boundary Lines

Introduction

This law pertains to the marking and cutting of boundary line trees when harvesting timber. In most cases, boundary lines must be marked prior to harvesting timber.



Photo: Maine Forest Service

Proper Name of the Law

Title 17 Section 2511. Harvesting Timber Near Property Line

Where Does This Law Apply?

Statewide.

When Does This Law Apply?

When harvesting in close proximity to boundary lines.

What Agency Can Provide Assistance With This Law?

Contact the Maine Forest Service at www.maineforestservice.gov, forestinfo@maine.gov or (207) 287-4990.

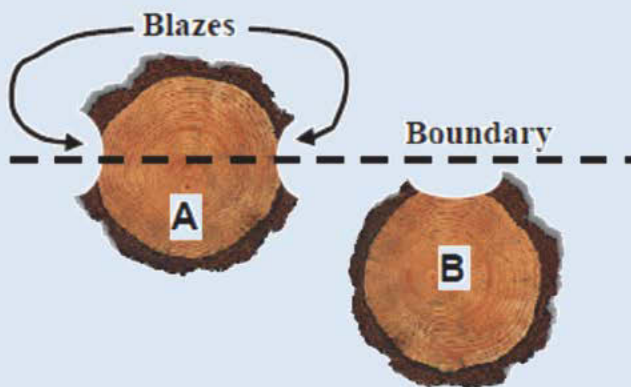
Where is the Complete Laws Located?

www.mainelegislature.org/legis/statutes/17/title17sec2511.html

Brief Overview

- A. **A landowner (or landowner representative) shall clearly mark any established property lines within 200 feet of the area to be harvested.** The marking must be completed prior to the start of the timber harvest and must be clearly visible. The marking of trees may be done with blazes and paint, paint alone, or with flagging. There are four exemptions to this law. For private woodland owners, the most applicable exemption is likely for harvesting on parcels less than five acres.
- B. **“Established property line”** means a line demarcated by monuments, signs, markings, pins, reference points or other markers that denotes a change in ownership between abutting properties. These established property markers must have been placed upon mutual agreement of the abutting landowners, based on historical physical evidence of a preexisting boundary line, or by a licensed professional surveyor.
- C. **Cutting of line trees:** A line tree (a tree located on the boundary line that has been blazed or painted) cannot be cut without first obtaining permission from the abutting landowner. For more information on boundary lines, see Figure 6 and refer to MFS Information Sheet #4 at www.maine.gov/dacf/mfs/publications/information_sheets.html

Commonly Used Painting and Blazing System for Boundary Lines



1. If the boundary line passes through the middle of a tree, blaze and paint on both sides of that tree where the line passes through it (Tree A).
2. Where the line passes adjacent to the tree, blaze and paint one point only, immediately adjacent to the line (Tree B).
3. Be sure to blaze and paint both sides of the line so that it can be seen from either side. This will help prevent accidental trespass.

Taken from MFS Information Sheet #4

Figure 6: Commonly used painting and blazing system for boundary lines.

Timber Theft and Trespass

Introduction

The following laws pertain to timber trespass and timber theft. In other words, these laws apply to harvesting timber without the owner's permission.

Proper Name of the Laws

Title 17 Section 2510. Unlawful Cutting of Trees

Title 17-A Section 353. Theft by Unauthorized Taking or Transfer

Where Do These Laws Apply?

Statewide.

When Do These Laws Apply?

When an adjacent landowner is accidentally trespassed upon or when wood is intentionally stolen from its owner.

What Agency Can Provide Assistance With These Laws?

Contact the Maine Forest Service at www.maineforestservice.gov, forestinfo@maine.gov or (207) 287-4990.

Brief Overview

Unlawful Cutting of Trees

- A. Cutting down (or harvesting) trees without the owner's permission is a civil violation that may result in the payment of restitution to the owner plus fines payable to the state of Maine. The forfeiture values provided in Title 17 Section 2510 may be adjudged for each tree over 2 inches in diameter. In most cases, stump diameter is used.
- B. A person commits a civil violation, even if they did not personally cut down or fell the tree, if they are legally accountable for the conduct of the person that did.

C. Exemptions:

1. Department of Transportation employees performing certain duties.
2. Public utilities in emergency situations.
3. Municipal employees or agents acting in the course and scope of their employment.

D. The complete law is located at:

www.mainelegislature.org/legis/statutes/17/title17sec2510.html

Theft by Unauthorized Taking or Transfer

- A. Theft occurs when a person obtains or exercises unauthorized control over property with the intent to deprive another person of that property.
- B. At a minimum, theft is considered a Class E crime.
- C. **The complete law is located at:**
www.mainelegislature.org/legis/statutes/17-A/title17-Asec353.html

Spark Arresters

Introduction

This law requires the use of spark arresters on certain types of forestry and logging equipment.



Proper Name of the Law

Title 12 Section 9601. Spark Arresters

Where Does This Law Apply?

Statewide.

When Does This Law Apply?

When operating any vehicle, tool, or other equipment with an internal combustion engine (not including boat motors) within 1,000 feet of any forestland.

What Agency Can Provide Assistance With This Law?

Contact the Maine Forest Service at www.maineforestservice.gov, forestinfo@maine.gov or (207) 287-4990.

Where is the Complete Law Located?

www.mainelegislature.org/legis/statutes/12/title12sec9601.html

Brief Overview

All power driven equipment, with an internal combustion engine, must have a USDA approved spark arrester if operated within 1,000 feet of any forested land. **NOTE: Spark arresters are not required for turbo charged equipment or boat motors.**

Christmas Trees and Evergreen Boughs

Introduction

This law pertains to the cutting and transportation of Christmas trees and evergreen boughs.



Photo: Maine Forest Service

Proper Name of the Law

Title 12 Section 8842-A. Owner's Permission Required

Where Does This Law Apply?

Statewide.

When Does This Law Apply?

When cutting Christmas trees and evergreen boughs on land of another, and during the transportation of the trees and boughs.

What Agency Can Provide Assistance With This Law?

Contact the Maine Forest Service at www.maineforestservice.gov, forestinfo@maine.gov or (207) 287-4990.

Where is the Complete Law Located?

www.mainelegislature.org/legis/statutes/12/title12sec8842-A.html

Brief Overview

It is unlawful to cut Christmas trees or evergreen boughs (tips) on land of another without written permission or a bill of sale from the owner. Written permission is also required when transporting these products.

Discontinuance of Forest Roads

Introduction

This law pertains to the blockage or obstruction of woods roads.



Photo: Maine Forest Service

Proper Name of the Law:

Title 12 Section 9602. Obstruction of Discontinued Road Prohibited

Where Does This Law Apply?

Statewide.

When Does This Law Apply?

When a landowner is considering blocking or obstructing any woods road that may be utilized for the prevention and/or suppression of a wildland fire.

What Agency Can Provide Assistance With This Law?

Contact the Maine Forest Service at www.maineforestservice.gov, forestinfo@maine.gov or (207) 287-4990.

Where is the Complete Law Located?

www.mainelegislature.org/legis/statutes/12/title12sec9602.html

Brief Overview

Unless authorized by the director of the Maine Forest Service, no person shall obstruct any woods road used for the removal of forest products that may be reasonably utilized for preventing or suppressing forest fires. This law does not prohibit a landowner from his right to close a woods road by chains or gates.

Section IV. Licensing, Wood Measurement, Transportation, and Quarantines

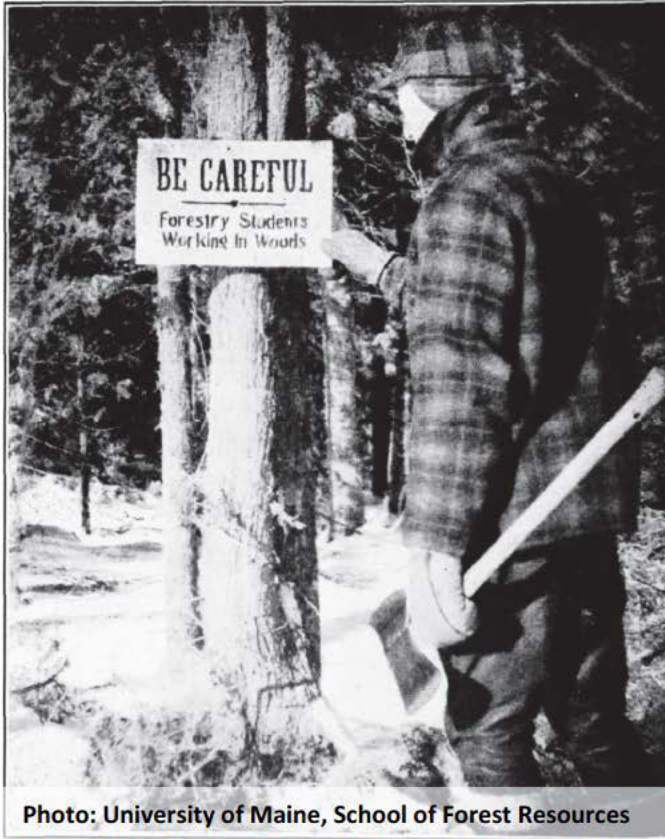


Photo: Great Northern Paper

Forester Licensing

Introduction

This law establishes the licensing requirement to practice forestry in Maine.



Recommendation from the Maine Forest Service

The Maine Forest Service highly recommends landowners work with a licensed professional forester for forest management and timber harvesting activities.

Proper Name of the Law

Title 32 Sections 5501 to 5516. Forester Licensing

Where Does This Law Apply?

Statewide.

What Agency Can Provide Assistance With This Law?

Contact the Board of Licensure of Professional Foresters at (207) 624-8521.

Where is the Complete Law Located?

www.mainelegislature.org/legis/statutes/32/title32sec5501.html

Brief Overview

- A. **A license is required to practice forestry in Maine.**
- B. **Forester** means a person licensed to practice forestry.
- C. **Forestry** means services requiring the application of forestry principles and techniques including, but not limited to, investigation, consultations, timber inventory, development of forest management plans, responsible supervision of forest management, forest utilization, appraisal of severed or unsevered timber, forest economics or other forestry activities as carried out in connection with any public or private lands.
- D. **Forestry** does not include services for the cutting, hauling, handling, scaling, or processing of forest products.

Arborist Licensing

Introduction

This law establishes the licensing requirement for arborists or professionals working with shade and ornamental trees.



Proper Name of the Law

Title 7 Sections 2173, 2174, and 2179. License Required (Section 2179)

Where Does This Law Apply?

Statewide.

What Agency Can Provide Assistance With This Law?

Contact the Division of Animal and Plant Health at (207) 287-3891.

Where is the Complete Law Located?

www.mainelegislature.org/legis/statutes/7/title7sec2179.html

Brief Overview

- A. **A license is required to advertise or engage in the business of an arborist.**
- B. **Arborist** means a person who takes down (or fells), diagnoses the condition of, or supervises the treatment of shade or ornamental trees for compensation.
- C. **Shade tree** means a tree grown or used to screen people, grounds, or structures from wind, sun, or sound.
- D. **Ornamental tree** means a tree with shade or landscape value.
- E. **Exemptions from licensing:**
 - 1. Landowners working on their own property.
 - 2. State, county, or municipal employees conducting regular duties.
 - 3. Public utility employees conducting regular duties.
 - 4. Foresters, pathologists and entomologists performing diagnostic or advisory services.
 - 5. Highway contractors performing construction and maintenance work.

Wood Measurement

Wood Scaler Licensing

Introduction

This law establishes the licensing requirement for wood scalers, and the Wood Measurement Rules govern the measurement of wood for commercial transactions.



Photo: Great Northern Paper.

Proper Name of the Law and Rule

Title 10 Section 2365-A. Licensing of Measuring and Scaling Operators

Department of Agriculture, Conservation and Forestry, Division of
Quality Assurance and Regulations Rule –

Chapter 380 to 385: Wood Measurement Rules

Where Does This Law and Rule Apply?

Statewide.

What Agency Can Provide Assistance With This Law and Rule?

Contact the Division of Quality Assurance and Regulations at www.maine.gov/dacf/qar/index.shtml or (207) 287-3841.

Where is the Complete Law and Rule Located?

Licensing of Measuring and Scaling Operators

www.mainelegislature.org/legis/statutes/10/title10sec2365-A.html

Wood Measurement Rule

www.maine.gov/sos/cec/rules/01/001/001c380.doc

Brief Overview

This licensing law gives the state sealer authority to license all persons who scale wood and to issue wood measurement rules. The Wood Measurement Rules govern all wood transactions in which measurement forms the basis of payment, except that they do not apply to the measurement of firewood for consumer transactions. In short, no person may scale or measure for wood transactions without obtaining a wood scaler license.

Accurate and Verifiable Measurements

Introduction

This law requires that the method of wood scaling or measurement used in wood transactions is accurate and verifiable. The Wood Measurement Rules govern all wood transactions in which measurement forms the basis of payment. However, these rules do not apply to the measurement of firewood in consumer transactions.

Proper Name of the Law and Rule

Title 10 Section 2364-A. Accurate and Verifiable Measurements

Department of Agriculture, Conservation and Forestry, Division of Quality Assurance and Regulations Rule –

Chapter 380 to 385: Wood Measurement Rules

Where Does This Law and Rule Apply?

Statewide.

What Agency Can Provide Assistance With This Law and Rule?

Contact the Division of Quality Assurance and Regulations at

www.maine.gov/dacf/qar/index.shtml or (207) 287-3841.

Where is the Complete Law and Rule Located?

Accurate and Verifiable Measurements

www.mainelegislature.org/legis/statutes/10/title10sec2364-A.html

Wood Measurement Rules

www.maine.gov/sos/cec/rules/01/001/001c380.doc

Brief Overview

A. For measurement purposes, the state sealer recognizes two types of wood transactions: payment for services in the harvesting and hauling of wood and sales involving the transfer of title to wood. The purchase of stumpage is a sale transaction provided that the purchaser acquires title to the wood and full rights of marketability.

B. Key Definitions:

1. **Payment for Services:** Payment made for services in or incidental to harvesting, hauling, or chipping wood. It does not involve the transfer of title to the wood.
2. **Sale of Wood:** A transaction involving the transfer of title to wood.

C. Key Points:

1. When payment is made for wood harvesting services, all wood shall be measured in full.
2. Written cutting specifications shall be provided to the person providing wood harvesting services and shall be signed by the person requiring the service.
3. When payment is made for services in hauling and trucking wood, all wood shall be measured in full.
4. When payment is made for services, payment shall be expressed in the same system of measure that was used in making the measurement.

D. A person buying stumpage from a landowner must provide a wood measurement sheet to the landowner for every truckload sold. This sheet must be provided to the landowner when the person buying stumpage makes a payment. The sheet must include the following:

1. Name of the landowner.
2. Name of the contractor.
3. Name of the hauler.
4. A description of the product.
5. The date.
6. The destination of the truckload.

Disputed Wood

Introduction

This law regulates disputes over the measure of wood for commerce.

Proper Name of the Law

Title 10 Section 2366-A. Disputed Wood

Where Does This Law Apply?

Statewide.

What Agency Can Provide Assistance With This Law?

Contact the Division of Quality Assurance and Regulations at www.maine.gov/dacf/qar/index.shtml or (207) 287-3841.

Where is the Complete Law Located?

www.mainelegislature.org/legis/statutes/10/title10sec2366-A.html

Brief Overview

If a dispute arises as to the accuracy of scaled or measured wood, a complaint should be filed with the state sealer within 15 days of its discovery. The state sealer shall investigate the complaint and may impound and check measure the disputed wood. If a complaint is not filed within 15 days from discovery of the grievance, the aggrieved party is barred from seeking a remedy.

Fuel Wood Definitions

Introduction

This law establishes the standards for the measure of fuel wood.



Photo: Maine Forest Service

Proper Name of the Law

Title 10 Section 2302. Definitions

Where Does the Law Apply?

Statewide.

What Agency Can Provide Assistance With This Law?

Contact the Division of Quality Assurance and Regulations at www.maine.gov/dacf/qar/index.shtml or (207) 287-3841.

Where is the Complete Law Located?

www.mainelegislature.org/legis/statutes/10/title10sec2302.html

Brief Overview

The following units of measure are accepted for fuel wood transactions in Maine:

- A. **Standard cord** is the cubic foot measurement of 4 foot long wood, ranked and well stowed, and stacked 4 feet wide, 4 feet high and 8 feet long, or its equivalent. The stack contains 128 cubic feet of wood, bark and air space.
- B. **Loose cord** is a unit of measure used for fuel wood sold loose and not ranked and well stowed. The volume of a loose cord is the amount of wood, bark and air contained in a space of:
 - 1. 180 cubic feet for a cord of 12 or 16 inch length wood.
 - 2. 195 cubic feet for a cord of 24 inch length wood.
- C. **Face cord** is a unit of measure 4 feet high and 8 feet long, or its equivalent, containing 32 square feet of surface area. The length of sticks shall be agreed upon by both parties.

Payment for Trees Harvested

Introduction

This law regulates stumpage payments to landowners and requires certain information be provided to them following delivery of forest products to a handling or processing facility.

Proper Name of the Law

Title 17 Section 2512. Failure to Pay for Trees Harvested

Where Does the Law Apply?

Statewide.

When Does the Law Apply?

When timber is harvested and forest products have been delivered to a handling or processing facility.

What Agency Can Provide Assistance With This Law?

Contact the Maine Forest Service at www.maineforestservice.gov, forestinfo@maine.gov or (207) 287-4990.

Where is the Complete Law Located?

www.mainelegislature.org/legis/statutes/17/title17sec2512.html

Brief Overview

Unless otherwise agreed upon in a contract, timber harvesters shall pay the landowner, in full, within 45 days of delivering the harvested forest products to the handling or processing facility. Copies of wood measurement sheets must also be provided to the landowner for each truckload of forest products delivered.

Trip Tickets

Introduction

This law pertains to trip tickets and the information required on them when transporting wood to mills, wood yards, or other places of purchase.



Photo: Kevin Brannen

Proper Name of the Law

Title 10 Section 2364-B. Transportation of Wood

Where Does This Law Apply?

Statewide.

When Does This Law Apply?

When transporting wood from a harvest site to any mill, wood yard, or other place of purchase. **This law does not apply to consumer transactions of firewood or when transporting wood after its first measurement.**

What Agency Can Provide Assistance With This Law?

Contact the Maine Forest Service at www.maineforestservice.gov, forestinfo@maine.gov or (207) 287-4990.

Where is the Complete Law Located?

www.mainelegislature.org/legis/statutes/10/title10sec2364-B.html

Brief Overview

Each truck load of wood transported to a mill or other place of purchase must be accompanied by a trip ticket (see Appendix A). The trip ticket must include the following information:

- A. Date the wood is hauled.
- B. Landowner name.
- C. Town of origin.
- D. Harvest notification (FON) number.
- E. Contractor name.
- F. Cutting crew name.
- G. Name of hauler.
- H. Destination of wood, both town and customer.
- I. Signature of truck driver.

Note: No trip ticket is required when transporting wood after its first measurement or for consumer firewood sales.

Transportation of Forestry Equipment

Introduction

The following laws regulate the operation of forestry equipment on paved and public roads.

Proper Name of the Laws

Title 29-A Section 1924. Chains on Skidders

Title 29-A Section 1752. Motor Vehicles Exempt from Inspection, Woods Tractor

Where Do These Laws Apply?

Statewide.

When Do These Laws Apply?

When forestry equipment is moved to and from job sites on public roads.

What Agency Can Provide Assistance With These Laws?

Contact the Maine State Police or local law enforcement.

Where are the Complete Laws Located?

Chains on Skidders

www.mainelegislature.org/legis/statutes/29-A/title29-Asec1924.html

Motor Vehicles Exempt from Inspection, Woods Tractor

www.mainelegislature.org/legis/statutes/29-A/title29-Asec1752.html

Brief Overview

Chains on Skidders

Chains attached to the tires or wheels of a skidder must be removed prior to operation on a paved way.

Woods Tractor Exemption

The following applies to motor vehicles converted for use as tractors for logging:

- A. They are exempt from registration.
- B. They can operate only during daylight hours within a 10 mile radius of the premises where they are customarily kept, and only between these premises and the following:
 - 1. A woodlot used for logging purposes by the owner.
 - 2. A filling station or garage for fuel and repairs.
- C. They must have a partial annual inspection.

Common and Undivided Land

Introduction

This law pertains to land ownership where the property is not physically or legally divided into individual parcels for each owner.

Proper Name of Law:

Title 14 Section 7505. No Waste by Part Owner Without Notice

Where Does This Law Apply?

Statewide.

When Does This Law Apply?

When a timber harvest or related activity is planned and implemented on a common and undivided parcel.

Who Can Provide Assistance With This Law?

Anyone seeking legal advice about property law should consult a private lawyer.

Where is the Complete Law Located?

www.mainelegislature.org/legis/statutes/14/title14sec7505.html

Brief Overview

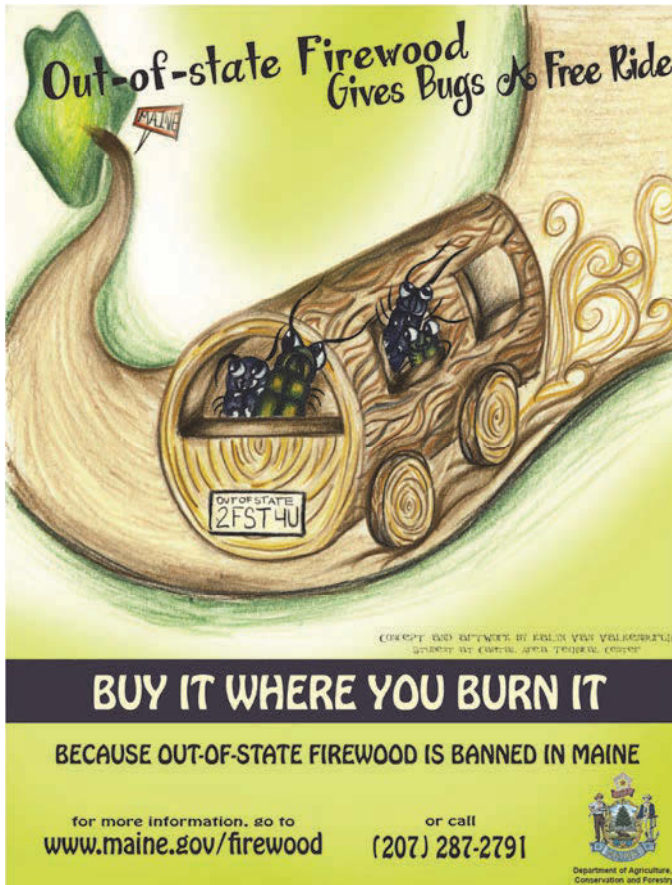
Written notice must be provided to all common owners (or their agent) of undivided land for the following: cutting trees, harvesting timber, removing anything of value, or making physical improvements. The notice must be provided at least 30 days in advance of commencing the activity. All owners must receive their share (based on percentage of common ownership) of any timber sale income.

Forestry Related Quarantines

Introduction

Forestry-related quarantines in Maine regulate the movement of raw forest products including, but not limited to, logs and chips.

Quarantines are enacted to protect forests not yet affected by specific forest pests.



Proper Name of the Rules

Department of Agriculture, Conservation and Forestry

Division of Animal and Plant Health Rule –

Chapter 266: Hemlock Woolly Adelgid Quarantine

Division of Plant Industry Rules –

Chapter 268: Pine Shoot Beetle Quarantine

Chapter 271: Gypsy Moth Quarantine

Chapter 272: European Larch Canker Quarantine

Maine Forest Service –

Chapter 1: White Pine Blister Rust, Quarantine on Currant and
Gooseberry Bushes

Where Do These Rules Apply?

Statewide.

When Do These Rules Apply?

When forest products originating in regulated areas (places where regulated pests are known to occur) are transported outside regulated areas. Further, the rules sometimes even apply to products traversing unregulated areas.

What Agency Can Provide Assistance With These Rules?

For movement within Maine, gypsy moth permits, the hemlock woolly adelgid quarantine, and the *Ribes* quarantine:

Contact the Maine Forest Service, Forest Health and Monitoring at www.maineforestservice.gov, forestinfo@maine.gov or (207) 287-2431.

Contact the Animal and Plant Health, State Plant Resource Officer at www.maine.gov/dacf/php/index.shtml or (207) 287-3891.

For movement between states and out of the country:

Contact the USDA Animal and Plant Health Inspection at (207) 848-0001.

Where are the Complete Rules Located?

Summary of the quarantines in Maine

www.maine.gov/dacf/mfs/forest_health/quarantine_information.html

Federal plant pests

www.aphis.usda.gov/plant_health/plant_pest_info/index.shtml

Federal quarantines in Canada

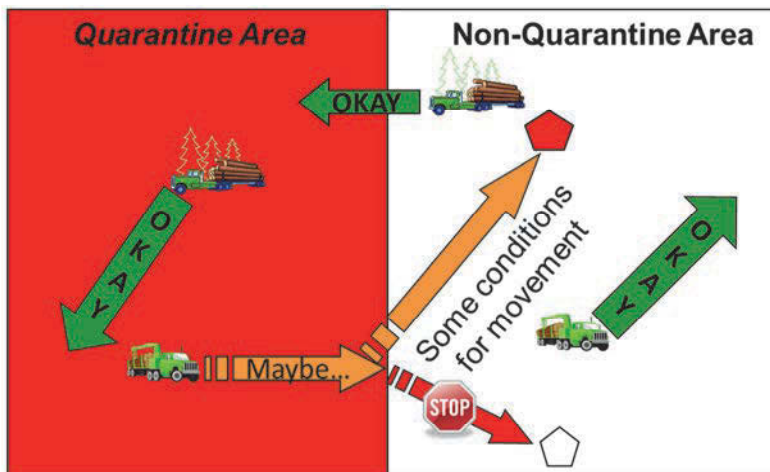
www.inspection.gc.ca/plants/plant-protection/pests/regulated-pests/eng/1363317115207/1363317187811

Brief Overview

Maine's forestry related quarantines slow the movement of exotic pests through our forest resource. They also protect forests in other areas from pests already in Maine. There may be restrictions or conditions on movement of forest products from areas regulated for a pest (see Figure 7). Maine is partially regulated for European larch canker, gypsy moth, hemlock woolly adelgid and pine shoot beetle. In addition, there is a quarantine on plants in the genus *Ribes*. *Ribes* is a host of the fungus that causes white pine blister rust.

There are also federal quarantines on pests not yet found in Maine, but of concern because of their potential to impact our trees and forests. These include, but are not limited to, emerald ash borer, Asian longhorned beetle and brown spruce longhorned beetle.

Note on gypsy moth permits: Products harvested and then stored exclusively in areas outside of the gypsy moth quarantine zone can be moved to Canada under a state-issued gypsy moth permit. Permits are available from the state entomologist. For more information contact the Forest Health and Monitoring Division.



Arrows denote movement of regulated product (green=go, red=stop, orange=caution)


-  Receiver with MFS compliance agreement (site treated like mini-quarantine area)
-  Receiver without MFS agreement (regulated material cannot legally be accepted)

Figure 7: The flow of wood between quarantine and non-quarantine areas.

Section V. Wildlife



Threatened and Endangered Species

Introduction

The Maine Endangered Species Act prohibits the taking of an endangered species and regulates the impact of forestry activities on their habitats.

Proper Name of the Law

Title 12 Sections 12801 and 12809. Endangered Species Act

Where Does This Law Apply?

Statewide.

When Does This Law Apply?

When timber harvesting or related activities are likely to impact endangered or threatened species.

What Agencies Can Provide Assistance With This Law?

To identify areas that may contain endangered species or habitats contact the Maine Natural Areas Program (MNAP) at www.maine.gov/dacf/mnap/index.html or (207) 287-8044.

For assistance with harvesting and managing in areas that may contain endangered species contact the Maine Department of Inland Fisheries and Wildlife at www.maine.gov/ifw or (207) 287-8000.

A list of threatened and endangered species is located at www.maine.gov/ifw/wildlife/endangered/listed_species_me.htm

Where is the Complete Law Located?

www.mainelegislature.org/legis/statutes/12/title12sec12801.html

Brief Overview

Maine's Endangered Species Act protects wildlife listed as endangered or threatened. It also protects the Essential Wildlife Habitat for the listed species. Contact IF&W when harvesting timber in areas that may contain listed species or Essential Wildlife Habitat.

Deer Wintering Areas, MFS Chapter 27

Introduction

This rule applies to timber harvesting in deer wintering areas in the unorganized and deorganized areas of the state.



Photo: Maine Department of Inland Fisheries & Wildlife

Proper Name of the Rule

Maine Forest Service – Chapter 27
Standards for Timber Harvesting and Timber Harvesting Related
Activities within Unorganized and Deorganized Areas of the State

Where Does This Rule Apply?

Unorganized and Deorganized areas of the state.

When Does This Rule Apply?

When harvesting timber in P-FW subdistricts.

What Agency Can Provide Assistance With This Rule?

Contact the Maine Forest Service at www.maineforestservice.gov, forestinfo@maine.gov or (207) 287-2791.

Where is the Complete Rule Located?

www.maine.gov/dacf/mfs/rules_and_regulations.html#chap_27

Brief Overview

The following steps must be taken in order to harvest within a P-FW subdistrict:

- A. The landowner or designated agent must confer with an IF&W biologist and agree on the how harvesting will be conducted in the P-FW.
- B. If an agreement cannot be reached with IF&W, then the landowner or designated agent will need a permit from MFS prior to commencing operations.
- C. If a plan with IF&W is accepted by the landowner or designated agent, then a copy of the IF&W Field Investigation Report must be submitted to MFS.
 1. The landowner may proceed with the operation if not contacted by the MFS within 14 days of submitting the IF&W Field Investigation Report.
 2. The landowner or designated agent must notify the MFS when the operation is completed.

If planning a timber harvest in a deer wintering area in an organized town, check the town's comprehensive plan and contact the local code enforcement officer, or contact the local IF&W biologist.

Nuisance Animal Control

Introduction

Several rules and laws regulate the control of animals that may damage or kill trees. The two laws listed below pertain to beavers and beaver dams.

Proper Name of Laws

Title 12 Section 12404. Specific Animals

Title 38 Section 480-Q. Activities for Which a Permit is not Required

Where Do These Laws Apply?

Statewide.

When Do These Laws Apply?

When beavers cause damage to property, including timber and forest management roads.

What Agency Can Provide Assistance With These Laws?

Contact your local game warden or the Maine Department of Inland Fisheries and Wildlife at www.maine.gov/ifw or (207) 287-8000.

Where are the Complete Laws Located?

Specific Animals

www.mainelegislature.org/legis/statutes/12/title12sec12404.html

Activities for Which a Permit is not Required

www.mainelegislature.org/legis/statutes/38/title38sec480-q.html

Brief Overview

A person may not take or kill a beaver. The exception to this rule is trapping beaver during the open season. Call your local game warden or IF&W for control options.

Beaver dams, but not beaver houses, may be removed when authorized by a game warden.

Section VI. Tax Programs and Landowner Liability



Tree Growth Tax Law (TGTL)

Introduction

This law establishes a voluntary program that bases property tax valuations on the land's ability to grow trees rather than its "highest and best use." **Enrolled forestland must be used primarily for the growth of trees to be harvested for commercial use.**

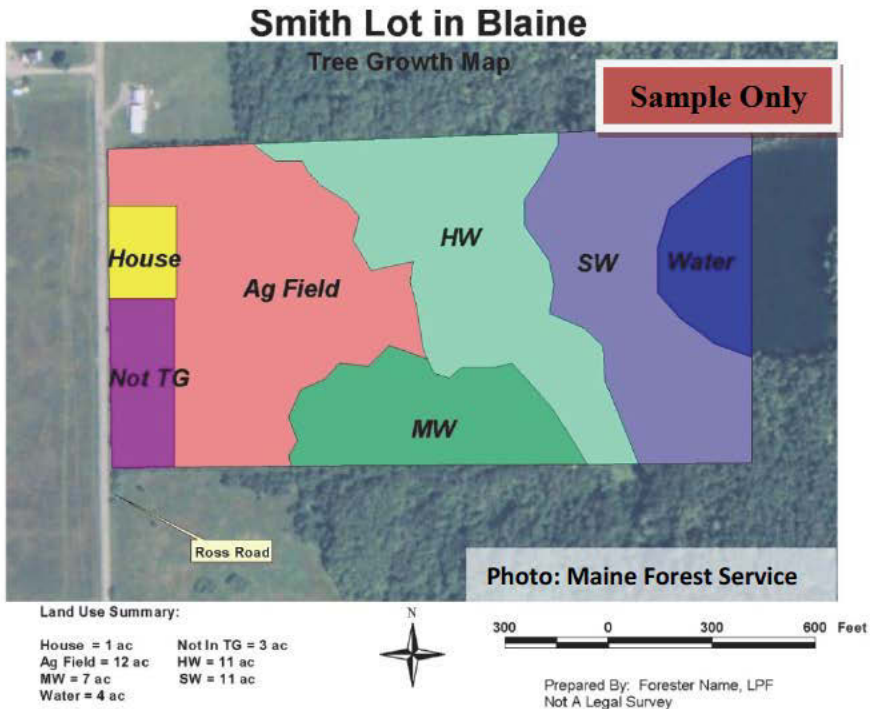


Figure 8: Sample Tree Growth Map

Proper Name of the Law

Title 36 Sections 571-584-A. Tree Growth Tax Law

Where Does This Law Apply?

Statewide.

When Does This Law Apply?

When land is enrolled in the Tree Growth program.

What Agency Can Provide Assistance With This Law?

In organized towns, contact your local tax assessor. Otherwise, contact Maine Revenue Service at (207) 624-5600 or

www.maine.gov/revenue/propertytax/homepage.html

Where is the Complete Law Located?

Tree Growth Tax Law

www.mainelegislature.org/legis/statutes/36/title36sec571.html

Property Tax Bulletin No. 19 (explanation of the law):

www.maine.gov/revenue/forms/property/pubs/bull19.pdf

Brief Overview

A. TGTL definitions (see Title 36 Section 573 for the complete list):

1. Commercial Harvesting or Harvesting for Commercial Use: Harvesting forest products that have commercial value.
2. Forest Land: Land used primarily for the growth of trees to be harvested for commercial use. Land shall not be excluded because of:
 - a. Multiple use for public recreation.
 - b. **Statutory or governmental restrictions which prevent commercial harvesting of trees.**
 - c. Deed restrictions prior to 1982.
 - d. Use for mineral exploration.
3. Forest Management and Harvest Plan: A written document that outlines activities to regenerate, improve and harvest a standing crop of timber. The plan must include the location of water bodies and wildlife habitat identified by the Department of Inland Fisheries and Wildlife. The plan must

be prepared by a licensed professional forester or the landowner. If the plan is prepared by the landowner, it must be certified by a licensed professional forester as consistent with this subsection and with sound silvicultural practices.

4. **Forest Products that have Commercial Value:** Logs, pulpwood, veneer, bolt wood, wood chips, stud wood, poles, pilings, biomass, fuel wood, Christmas trees, maple syrup, nursery products used for ornamental purposes, wreaths, bough material, or cones and other seed products.

B. Requirements for classification:

1. **Minimum size:** Parcels must contain at least 10 acres of forestland.
2. **Use:** The land must be used primarily for the growth of trees to be harvested for commercial use.
3. **Forest management and harvest plan:** A forest management and harvest plan must be prepared for the parcel and updated every ten years. The landowner must comply with the plan and every ten years submit a sworn statement from a licensed professional forester stating that the landowner is complying with the plan.
4. **Attestation:** Beginning August 1, 2012, the landowner must provide an attestation that the primary use for the Tree Growth classified forestland is to grow trees for commercial use or that the forestland is land described in Title 36 Section 573(3)(A), (B), (C) or (E).

C. General provisions:

1. **Filing:** Owners must file an application with the assessor(s) of the jurisdiction where the parcel is located by April 1 of the year in which classification is first requested:
 - a. Separate applications must be filed for each non-contiguous parcel and a separate application for each part of a parcel if the parcel is located in more than one municipality or county.
 - b. The application must be accompanied by a map showing the location of the different forest types (softwood, hardwood, mixed wood) for land being classified. The map must also illustrate the location of land not classified in the parcel to at least the nearest whole acre.
2. **Reclassification:** Owners of classified land are responsible for reporting changes in forest types or changes in land use of the classified forestland.

D. Transfer of classified forest land:

1. Within one year of the date of transfer, one of the following must be filed with the assessor(s):
 - a. A sworn statement indicating that a new forest management and harvest plan has been prepared; **or**
 - b. A statement from a licensed professional forester that the land is being managed in accordance with the plan prepared for the previous landowner.
2. A new owner of classified land may not harvest or authorize the harvest of forest products for commercial use until the statement described above (D.1.a. or D.1.b.) is filed with the assessor(s).

E. Withdrawal from Tree Growth classification:

1. Forest land may be withdrawn from Tree Growth taxation in one of two ways:

- a. **Withdrawal by landowner:** The landowner(s) may at any time request in writing withdrawal of any parcel or portion thereof by certifying to the assessor in writing that the land is no longer to be classified under the Tree Growth Tax Law.
- b. **Withdrawal by assessor:** If, after all applicable notification, the assessor determines that classified forestland no longer meets Tree Growth requirements, the assessor must withdraw the parcel from taxation under Tree Growth.

2. Withdrawal of land from Tree Growth will result in a financial penalty (refer to the law or Bulletin 19 for details).

F. Development cost offsets for forest management and harvest plans. Once every 10 years, individual income tax payers may claim a state income tax credit up to \$200 for development of a forest management plan. The credit is only permitted for plans prepared for parcels of forestland greater than ten acres. A Maine licensed forester who is not a regular employee of the landowner must prepare the plan.

Workers' Compensation and Landowner Liability

Workers' Compensation

Introduction

Landowners may be liable for workers' compensation costs if a logger or his/her assistant is injured on their property while conducting a timber harvest. The following law provides three options to avoid this liability.

Proper Name of the Law

Title 39-A Section 401. Liability of Employer

Where Does This Law Apply?

Statewide.

When Does This Law Apply?

When timber is harvested by someone other than the landowner.

What Agency Can Provide Assistance With This Law?

Contact the Workers' Compensation Board at www.maine.gov/wcb or (207) 287-3751.

Where is the Complete Law Located?

www.mainelegislature.org/legis/statutes/39-A/title39-Asec403.html

Brief Overview

A. Three options to avoid liability for workers' compensation:

1. **Require proof of workers' compensation insurance:** A landowner who engages a timber harvester to cut a woodlot must ask for and receive a certificate of workers' compensation insurance issued by the insurance carrier from the harvester, **and** must annually request and receive similar certificates as the work proceeds. If the insurance is cancelled during the time of the contract, the logger must

notify the landowner in writing within three days of the cancellation. ***If the logger does not provide proof of this insurance, you are liable for any injuries to his or her employees.***

2. **Require proof of Independent Status:** A logger may receive from the Workers' Compensation Board a *Certificate of Independent Status*. This is issued by the Board on an annual basis to a logger, certifying that the logger harvests forest products in a manner that would not make him an employee of the landowner. These certificates apply to all timber harvesting jobs carried out by the logger for the year of issuance provided the circumstances under which the certificate was issued do not change.
3. **Obtain predetermination of Independent Contractor Status:** A landowner can submit to the State of Maine Workers' Compensation Board an *Application for Predetermination of Independent Contractor Status to Establish Conclusive Presumption*. The "conclusive presumption" will be based on the application and the wood harvesting contract. The responses to the questions on the application will be evaluated to ensure that the wood harvester is an independent contractor and not an employee. Also, the contract will be checked to see that it contains the following mandatory language: **"The independent contractor will not hire any employees to assist in the wood harvesting without first providing the required certificate of insurance to the landowner."**

B. Forms are located at the following web address:

www.maine.gov/wcb/departments/forms.htm

Landowner Liability

Introduction

This law protects landowners from liability in some instances.

Proper Name of the Law

Title 14 Section 159-A. Limited Liability for Recreational or Harvesting Activities

Where Does This Law Apply?

Statewide.

When Does This Law Apply?

When recreational or harvesting activities are being performed by someone other than the landowner.

Who Can Provide Assistance With This Law?

Anyone seeking legal advice on property law should consult with a private lawyer.

Where is the Complete Law Located?

www.mainelegislature.org/legis/statutes/14/title14sec159-a.html

Brief Overview

Landowners are protected from liability under Maine statute when the land is used by others for recreational activities or harvesting forest products. *Recreational and harvesting activities do not include commercial agriculture or timber harvesting.*

Section VII. Change of Use

Conversion from Forest to Non-Forest Use



Photo: Maine Forest Service

Change of Use Rules

Introduction

Four regulations must be considered when converting forestland to a use that does not include growing forest products. These regulations include Maine Forest Service Rules – Chapter 20 (FPA), Chapter 23 (LQH) and Chapter 26 (FONs), and Title 38 Section 420-D Storm Water Management.

Chapter 20 – Forest Practices Act

Proper Name of the Rule

Maine Forest Service – Chapter 20

Forest Regeneration & Clearcutting Standards – Forest Practices Act

Where Does This Rule Apply?

Statewide.

When Does This Rule Apply?

When timber is harvested and sold. The exemption described in this section of the book applies when land is converted from forest to nonforest use.

What Agency Can Provide Assistance With This Rule?

Contact the Maine Forest Service at www.maineforestservice.gov, forestinfo@maine.gov or (207) 287-2791.

Where is the Complete Rule Located?

www.maine.gov/dacf/mfs/rules_and_regulations.html#chap_20

Brief Overview

- A. A **change of use** means that following timber harvesting the subsequent use for a particular area does not include growing forest products. Change of land use may include, but is not limited to, conversion to pasture, sites for growing agricultural crops, residential units, development sites, or gravel pits.
- B. **Exemption from clearcutting standards:** The clearcutting standards do not apply to the portion of a harvested area where there is a change of land use, provided:
 - 1. The change of land use is completed by the end of the second full calendar year following the year of the timber harvest, and the intent to change the land use is properly indicated on the FON form submitted to MFS.
 - 2. If the change of land use is to residential dwelling units, then the exemption is limited to the actual size of the lot or five acres, whichever is smaller.
- C. A more thorough description of Chapter 20 can be found on page 42.

Chapter 23 – Liquidation Harvesting

Proper Name of the Rule

Maine Forest Service – Chapter 23

Timber Harvesting Standards to Substantially Eliminate Liquidation Harvesting

Where Does This Rule Apply?

Statewide.

When Does This Rule Apply?

When woodlots are purchased and harvested, and sold or offered for sale within five years of acquisition. The exemption described in this section of the book applies when land is converted from forest to nonforest use.

What Agency Can Provide Assistance With This Rule?

Contact the Maine Forest Service at www.maineforestservice.gov, forestinfo@maine.gov or (207) 287-2791.

Where is the Complete Rule Located?

www.maine.gov/dacf/mfs/rules_and_regulations.html#chap_23

Brief Overview

- A. A **change of use** means that following timber harvesting the subsequent use for a particular area does not include growing forest products. Change of land use may include, but is not limited to, conversion to pasture, sites for growing agricultural crops, residential units, development sites, or gravel pits.
- B. **Exemption from the liquidation harvesting rules:**
 - 1. The landowner has obtained, prior to commencing timber harvesting, the necessary permit or permits from a federal, state and/or local governmental entity to change the land use from forestland to a non-forest use (such as development or agriculture). The area exempted shall be that area that is

actually to be converted. A copy of the permit or permits must be submitted with the Forest Operations Notification. If the land use change is conversion to a subdivision, the exemption for each lot is limited to five acres or the lot size specified in the permit granted by the appropriate governmental entity, whichever is smaller.

2. The exemption applies once the conversion is complete. Land that is sold prior to the conversion being completed will still be subject to Chapter 23 Rules.

C. A more thorough description of Chapter 23 can be found on page 46.

Chapter 26 – Forest Operations Notifications

Proper Name of the Rule

Maine Forest Service—Chapter 26
Forest Operations Notification Standards

Where Does This Rule Apply?

Statewide.

When Does This Rule Apply?

When timber is harvested and sold. The portion of the Chapter 26 rule described in this section of the book applies when land is converted from forest to nonforest use.

What Agency Can Provide Assistance With This Rule?

Contact the Maine Forest Service at www.maineforestservice.gov, forestinfo@maine.gov or (207) 287-2791.

Where is the Complete Rule Located?

http://www.maine.gov/dacf/mfs/publications/rules_and_regs/chap_26_rules.pdf

Brief Overview

For individuals certified in erosion control practices by DEP, FONs may be used in multiple municipalities under the following conditions:

- A. The harvest is less than 10 acres and is necessary for a change of land use.
- B. The person filing the FON is responsible for controlling erosion and sedimentation on the harvest site.
- C. The person filing the FON maintains a separate record of the following:
 1. Each landowner's name.
 2. The name of the municipality.

3. The acreage harvested.
 4. The volume harvested.
- D. A more thorough description of Chapter 26 can be found on page 39.**

Storm Water Management

Proper Name of the Law

Title 38 Section 420-D. Storm Water Management

Where Does This Law Apply?

In organized towns.

When Does This Law Apply?

When a project results in one acre or more of disturbed soil.

What Agency Can Provide Assistance With This Law?

Contact the Department of Environmental Protection at www.maine.gov/dep or (207) 287-2111.

Where is the Complete Law Located?

www.mainelegislature.org/legis/statutes/38/title38sec420-D.html

Brief Overview

- A. Projects that include one acre or more of disturbed soil require prior approved from DEP. Such projects require a DEP permit prior to commencement. This law applies to projects, or any portion of a project, located within an organized town.
- B. **Exemptions from the Storm Water Management law:**
 - 1. Forest management activities, including the construction of forest management roads.
 - 2. See the complete law for other exemptions.

Section VIII. Maine Forest Service Recommendations



Photo: Maine Forest Service

Timber Sale Contracts

A Written Contract – A Good Idea

Written contracts between landowners and loggers are not required by law, but are strongly recommended to protect the interests of both parties. A consulting forester can help write an individualized contract for your timber harvest. At a minimum, the contract should specify or describe the following:

- **The contract period:** State clearly when the contract begins and when it ends, and whether there are periods during which operations may be suspended (such as during spring thaw).
- **Access:** Define how the logger will get to the stands to be cut, and in what condition any access roads and log landings will be left.
- **The trees to be harvested:** State what trees will be cut and what trees will be left uncut, and how they are identified in the forest.
- **The harvest boundaries:** Indicate in the contract and in the field where the harvest should take place. If the harvest is near your land's boundaries, marking the boundary is a legal requirement and prevents expensive mistakes.
- **Slash treatment:** Specify how slash (tree tops and branches left on a site after a timber harvest) will be treated.
- **BMP Implementation: Identify who is responsible for implementing Best Management Practices to protect water quality.**
- **Insurance requirements: Clearly state what insurances are required before the contract is valid. Do not sign the contract until you have insurance certificates in hand that are valid through the contract period.**
- **Payment for wood:** Spell out the basis for payment by type of product (sawlogs, veneer, pulpwood, boltwood and other types)

and remedies for late payment, default or failure to satisfy other contract obligations. Consider requiring a deposit or bond before harvesting begins.

If for any reason a landowner has a dispute with the logger, a timber harvest contract signed by all parties can help clarify expectations and resolve disputes.

Working with a Forester

Who should work with a forester?

The Maine Forest Service recommends that Maine woodland owners work with foresters. No matter what reasons landowners have for owning woods—growing and harvesting timber, improving wildlife habitat, providing privacy around homes or increasing personal recreational opportunities—a forester can help enhance these and other values.

Why work with a forester?

Forests are complicated systems. Foresters know how trees and forests grow and develop, and how carefully planned actions can increase landowner benefits.

Although many foresters are employed by forestry consulting firms, others are employed by large landowners, wood consuming businesses, state agencies, and the federal government. Foresters contract with landowners and represent their interests.

Ideally, woodland owners develop long-term relationships with foresters. Working with these highly trained professionals, landowners can have confidence their values and goals will be paramount in the planning and operational aspects of forest management.

Who is a forester?

A forester is a licensed professional who represents the interests of their clients in matters relating to his or her forest.

In Maine, **all** foresters are required to be licensed and the Licensed Forester's Code of Ethics requires that they:

- Work in the interest of their client.
- Understand their client's objectives.
- Provide written confirmation of the scope, cost and duration of the project.

- Disclose the cost of services before beginning work.
- Only provide services they are qualified to perform.
- Keep their client's affairs confidential.
- Give fair notice of delays and prompt notice of changes in cost estimates.
- Avoid conflicts of interest and disclose potential conflicts.

What does a forester do?

Foresters help landowners make decisions about managing their woods to achieve long-term goals. Two of the services foresters provide are developing written management plans, and planning and overseeing timber harvests.

- **Forest management plans often include:**
 - An inventory and map of forest resources that includes the following:
 - A legal description of the property.
 - A forest stand type map.
 - Estimates of timber volume/value/quality by tree species.
 - Insect and disease conditions.
 - Recommendations for management actions (management prescriptions).
 - An outline of applicable rules and regulations.

- **Before and during timber harvests a forester may:**
 - Plan and layout harvest areas.
 - Develop a timber sale agreement or contract.
 - Find the best market for forest products.
 - Monitor harvest activities.
 - Protect the interests of the client.

How do I find a forester?

Initial assistance on managing forestland or locating a forester is available, free of charge, from the Maine Forest Service. Meeting with a Maine Forest Service District Forester to walk your land and discuss ownership goals is an ideal way to get started. District Foresters can answer questions about your woods, and help you make choices about managing your land and trees. Whether a landowner is just getting started or has years of experience managing their woodland, the Maine Forest Service can help.

To locate a District Forester, please visit

www.maine.gov/dacf/mfs/policy_management/district_foresters.html

Landowners can also contact the Board of Licensure of Foresters to obtain a statewide list of professional foresters. Additionally, landowners might want to ask friends, neighbors, relatives and/or business associates for a personal recommendation.

How do I choose a forester?

Landowners should approach selecting a forester the same way they approach choosing other professionals. It is wise to speak with several prospective consultants to ensure compatibility. Landowners are encouraged to ask about the forester's:

- Education and work history.
- Membership in professional organizations
- Attitude towards forest use and land stewardship.

- Specialties or strengths.
- Distance from your woodlot (this might impact cost and availability).
- Professional liability and other insurance coverage.

Ask for a sample management plan or to see a representative harvest area.

Ask for references and follow through—Are the clients satisfied with:

- The quality, timeliness and cost of work?
- The forester's communication skills?
- The results?

Landowners should communicate to the forester, being as specific as possible, their objectives for the woodland. Before hiring a forester, it is important that landowners gain a clear understanding of what specific services a forester will provide and what their fee(s) will be. An independent, licensed forester is ethically bound to serve the interests of the landowner and to disclose any potential conflict of interest. Some licensed foresters also provide logging services.

How much do a forester's services cost?

The cost will vary with the complexity of the project and the individual forester. Talk to the forester upfront about costs. Get an estimate and ask how much the actual cost is likely to vary from the estimate. A **written contract** detailing the project's scope, an estimate of cost, and a time schedule for completion is highly recommended.

How should I prepare to meet with a forester?

An initial discussion with the Maine Forest Service can help you clarify goals, and help you prepare for a meeting with prospective foresters.

Prior to meeting with a forester, gather records related to the forestland such as past management plans, records of timber harvesting, aerial photos and property maps. It is also critical to determine your goals for the parcel. Below is a list of common goals (often more than one applies):

- ☐ Generating timber harvest income
- ☐ Providing hunting and fishing opportunities
- ☐ Enhancing the natural beauty of the land
- ☐ Maintaining a sense of seclusion
- ☐ Creating a valuable family legacy
- ☐ Providing benefits of living trees to the environment
- ☐ Improving forest health
- ☐ Preserving water quality and soil integrity
- ☐ Creating or maintaining good wildlife habitat

For more information on forester licensing in Maine:

Department of Professional and Financial Regulation

Board of Licensure of Foresters

#35 State House Station, Augusta, Maine 04333

www.maine.gov/pfr/professionallicensing/index.shtml

(207) 624-8521

Appendix A. Sample Trip Ticket

TRIP TICKET

Forest Operations Notification #: _____

Scale slip #: _____

Landowner: _____

Date wood hauled: _____

Town (origin of harvest): _____

Name of contractor: _____

Cutting crew (names): _____

Name of hauler: _____

Destination of Wood:

Town: _____

Customer name: _____

Certification: *I certify that the information in this trip ticket is true,
correct and complete:*

Trucker's signature

Printed name

Appendix B. Acronyms and LUPC Subdistricts

Acronyms

BA	Basal Area
DBH	Diameter at Breast Height
DEP	Maine Department of Environmental Protection
DMR	Maine Department of Marine Resources
FEMA	Federal Emergency Management Agency
FON	Forest Operations Notification
FPA	Forest Practices Act
IF&W	Maine Department of Inland Fisheries and Wildlife
LQH	Maine Forest Service Rule, Chapter 23: Timber Harvesting Standards to Substantially Eliminate Liquidation Harvesting
LUPC	Land Use Planning Commission
MFS	Maine Forest Service
MNAP	Maine Natural Areas Program
MSZA	Mandatory Shoreland Zoning Act
NRPA	Natural Resources Protection Act
SWS	Maine Forest Service Rule, Chapter 21: Statewide Standards for Timber Harvesting and Related Activities in Shoreland Areas
TGTL	Tree Growth Tax Law
USDA	United States Department of Agriculture

LUPC Districts

P-AL	Protection – Accessible Lake
P-AR	Protection – Aquifer
P-FP	Protection – Flood Prone Areas
P-FW	Protection – Fish and Wildlife
P-GP	Protection – Great Ponds
P-MA	Protection – Mountain Areas
P-RP	Protection – Resource Plan
P-RR	Protection – Recreation
P-RT	Protection – Special River Transition
P-SG	Protection – Soils and Geology
P-SL	Protection – Shoreland
P-UA	Protection – Unusual Areas
P-WL	Protection – Wetlands
D-CI	Development – Commercial Industrial
D-ES	Development – Extended Settlement
D-GN	Development – General Management
D-MT	Development – Maritime
D-PD	Development – Planned
D-PR	Development – Planned Recreation Facility
D-RF	Development – Recreational Facility
D-RS	Development – Residential
M-GN	Management – General
M-HP	Management – Highly Productive
M-NC	Management – Natural Character

Maps showing the location of subdistricts by township are located at:
www.maine.gov/dacf/lupc/plans_maps_data/zoning_maps/index.shtml

Appendix C. Filter Strip Distances for Chapters 27 & 10

Average slope of land between exposed mineral soil and normal high water (percent)	Width of strip between exposed mineral soil and normal high water line (feet along surface of the ground)
0	25
10	45
20	65
30	85
40	105
50	125
60	145
70	165

Table 2: Unscarified filter strip width requirements for exposed mineral soil created by roads and their associated drainage ditches

Appendix D. Culvert Sizing Tables

10-year Flood Crossing Opening Size (square feet)				
Stream Width*	Average Stream Depth* (feet)			
feet	0.5	1.0	1.5	2.0
1	1.25	2.50	3.75	5.00
2	2.50	5.00	7.50	10.00
3	3.75	7.50	11.30	15.00
4	5.00	10.00	15.00	20.00
5	6.25	12.50	18.80	25.00
6	7.50	15.00	22.50	30.00
* At normal high water mark. Bold: Bridges, arches, or multiple pipes may be preferred on these larger streams				

Table 3: Opening size at 2.5X the cross sectional area of stream. Copied from the MFS "BMP Manual"

25-year Flood Crossing Opening Size (square feet)				
Stream Width*	Average Stream Depth* (feet)			
Feet	0.5	1.0	1.5	2.0
1	1.75	3.50	5.25	7.00
2	3.50	7.00	10.50	14.00
3	5.25	10.50	15.80	21.00
4	7.00	14.00	21.00	28.00
5	8.75	17.50	26.30	35.00
6	10.50	21.00	31.50	42.00
* At normal high water mark Bold: Bridges, arches, or multiple pipes may be preferred on these larger streams				

*Table 4: Opening size at 3.5X the cross sectional area of stream.
Copied from the MFS "BMP Manual"*

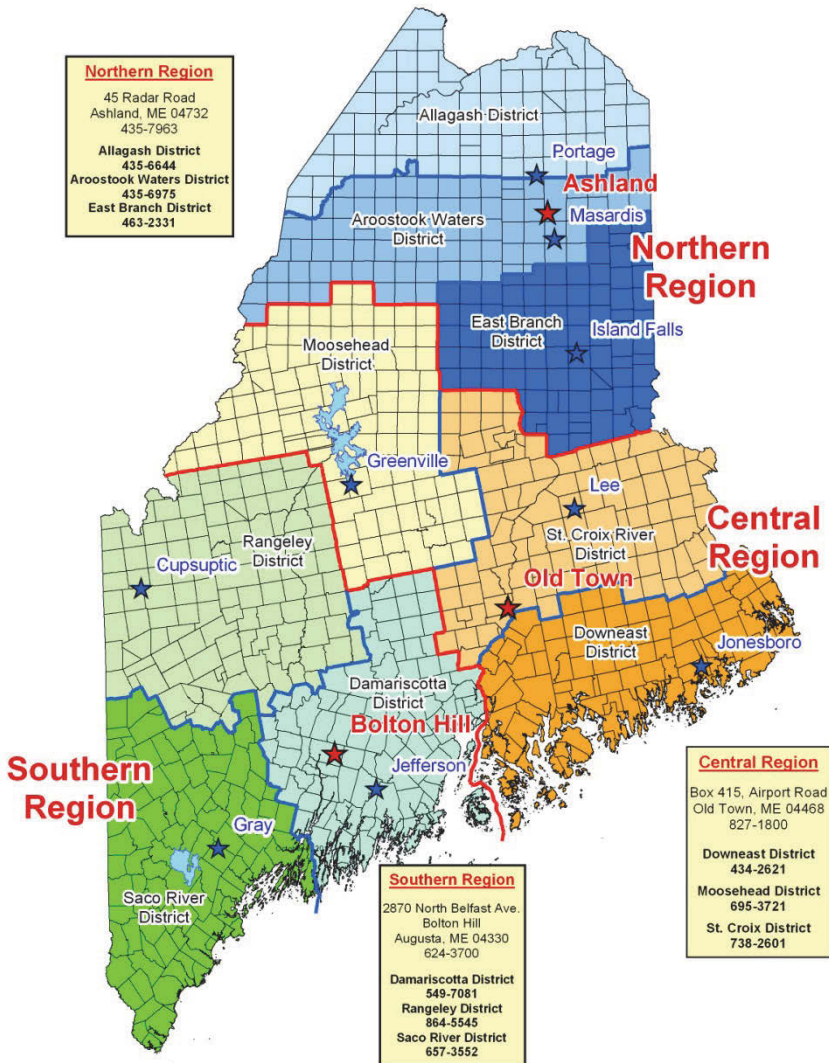
Culvert Diameter and Opening Sizes	
Opening Size (square feet)	Diameter (inches)
0.20	6
0.80	12
1.25	15
1.75	18
2.40	21
3.15	24
4.90	30
7.05	36
9.60	42
12.55	48
15.90	54
19.65	60
23.75	66
28.26	72

*Table 5: Culvert diameter for required opening sizes.
Copied from the MFS "BMP Manual"*

Appendix E. Other Maine Forest Service Publications

1. Best Management Practices for Forestry: Protecting Maine's Water Quality:
www.maine.gov/dacf/mfs/publications/handbooks_guides/bmp_manual.html
2. Forest Health and Monitoring Information Sheets:
www.maine.gov/dacf/mfs/forest_health/insect_disease_fact_sheets.html
3. Forest Policy and Management Information Sheets:
www.maine.gov/dacf/mfs/policy_management/information_sheets.html
4. Stumpage Price Reports:
www.maine.gov/dacf/mfs/publications/annual_reports.html#stumpage
5. The Forest Trees of Maine:
www.maine.gov/dacf/mfs/publications/handbooks_guides/forest_trees/index.html

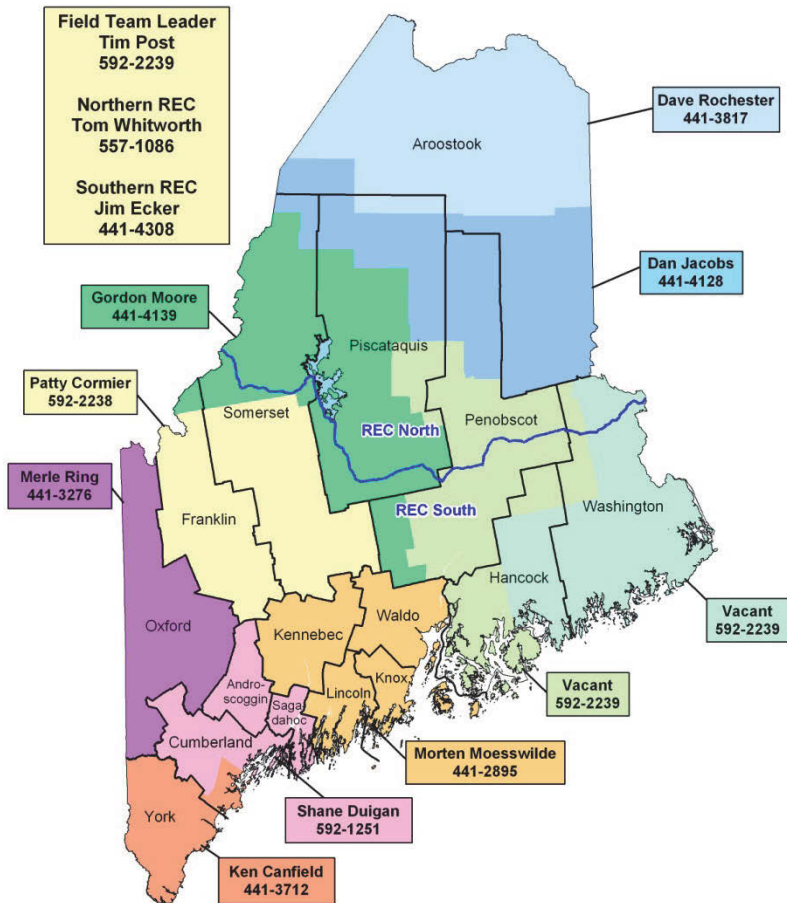
Appendix F. Ranger District Map



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Maine Forest Service Professional Forester Field Team



Do you have questions about the forestry regulations? The Maine Forest Service provides free advice to help you understand the laws and rules. The following link can be used to find your district forester:

http://www.maine.gov/dacf/mfs/policy_management/district_foresters.html